

VARIOUS BILLS AND RESOLUTIONS

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

ON

**H.R. 5916, H.R. 5834, H.R. 3658, H. Res. 1011,
H. Res. 1063, H. Res. 1109, H. Res. 1127,
H. Res. 1166, H. Con. Res. 317, H. Con. Res. 318,
H. Con. Res. 332 and H. Con. Res. 337**

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VARIOUS BILLS AND RESOLUTIONS

WEDNESDAY, APRIL 30, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 1:40 p.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The meeting of the committee will come to order. Before we launch into today's agenda, I would like to notify the committee of important legislation that we soon will be revealing. As most of you know, last year, President Bush met with President Felipe Calderon in the Mexican city of Merida. They discussed, among other things, the need to join forces to combat the terrible scourge of illegal drugs and violence that the drug trade has spawned in Mexico and along the Mexico-United States border. Ninety percent of the drugs entering the United States transit through the Central American-Mexico corridor.

The drug trade is giving rise to ever more violence. Not a week goes by without news of another shockingly violent incident related to drug traffickers in Mexico or Central America. Last Saturday, very close to my hometown, a gruesome drug-related shootout claimed 15 lives just across the border from San Diego. It is time for us to step up and address these issues, as well as the illegal southbound flow of arms and our nation's expanding domestic demand for illegal drugs, which fuels the whole terrible cycle.

A few months back, President Bush sent Congress a proposal hammered out and merited out with the Mexican Government and our friends in Central America to face this scourge together. We have been studying this proposal carefully. I will be soon introducing legislation to authorize the Merida initiative. The bill includes support in the realm of security, ports and borders, law enforcement, infrastructure, and modernization, as well as thanking the rule of law and the institutions charged with its enforcement. We very much look forward to making this a swift and bipartisan effort to show our southern neighbors that they are not alone in facing this threat.

And now pursuant to notice, I will call up the bill H.R. 5916, the Security Assistance and Arms Export Control Reform Act for purposes of markup. And I will recognize myself to explain the bill.

[H.R. 5916 follows:]



(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. 5916

To reform the administration of the Arms Export Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

and Mr. Manzullo

Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on

A BILL

To reform the administration of the Arms Export Control Act, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**
- 3 (a) SHORT TITLE.—This Act may be cited as the
- 4 “Security Assistance and Arms Export Control Reform
- 5 Act of 2008”.
- 6 (b) TABLE OF CONTENTS.—The table of contents for
- 7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF ARMS EXPORT CONTROL PROCEDURES

Subtitle A—Defense Trade Controls Performance Improvement Act of 2008

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Strategic review and assessment of the United States export controls system.
- Sec. 104. Performance goals for processing of applications for licenses to export items on USML.
- Sec. 105. Requirement to ensure adequate staff and resources for DDTC of the Department of State.
- Sec. 106. Audit by Inspector General of the Department of State.
- Sec. 107. Increased flexibility for use of defense trade controls registration fees.
- Sec. 108. Review of ITAR and USML.
- Sec. 109. Special licensing authorization for certain exports to NATO member states, Australia, Japan, and New Zealand.
- Sec. 110. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
- Sec. 111. Sense of Congress.
- Sec. 112. Definitions.
- Sec. 113. Authorization of appropriations.

Subtitle B—Miscellaneous Provisions

- Sec. 121. Report on self-financing options for export licensing functions of DDTC of the Department of State.
- Sec. 122. Expediting congressional defense export review period for South Korea and Israel.
- Sec. 123. Availability to Congress of Presidential directives regarding United States arms export policies, practices, and regulations.
- Sec. 124. Increase in congressional notification thresholds and expediting congressional review for South Korea and Israel.
- Sec. 125. Diplomatic efforts to strengthen national and international arms export controls.
- Sec. 126. Reporting requirement for unlicensed exports.
- Sec. 127. Report on value of major defense equipment and defense articles exported under section 38 of the Arms Export Control Act.
- Sec. 128. Report on satellite export controls.
- Sec. 129. Definition.

TITLE II—SECURITY ASSISTANCE AND RELATED SUPPORT FOR ISRAEL

- Sec. 201. Assessment of Israel's qualitative military edge over military threats.
- Sec. 202. Report on United States' commitments to the security of Israel.
- Sec. 203. War Reserves Stockpile.
- Sec. 204. Implementation of Memorandum of Understanding with Israel.
- Sec. 205. Definitions.

TITLE III—WAIVER OF CERTAIN SANCTIONS TO FACILITATE DENUCLEARIZATION ACTIVITIES IN NORTH KOREA

- Sec. 301. Waiver authority and exceptions.
- Sec. 302. Certification regarding waiver of certain sanctions.

Sec. 303. Congressional notification and report.
Sec. 304. Termination of waiver authority.
Sec. 305. Expiration of waiver authority.
Sec. 306. Continuation of restrictions against the Government of North Korea.
Sec. 307. Report on verification measures relating to North Korea's nuclear programs.
Sec. 308. Definitions.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authority to build the capacity of foreign military forces.
Sec. 402. Maintenance of European Union arms embargo against China.
Sec. 403. Reimbursement of salaries of members of the reserve components in support of security cooperation missions.
Sec. 404. Foreign Military Sales Stockpile Fund.
Sec. 405. Congressional notification requirements under the Arms Export Control Act.

TITLE V—AUTHORITY TO TRANSFER NAVAL VESSELS

Sec. 501. Authority to transfer naval vessels to certain foreign recipients.

1 **TITLE I—REFORM OF ARMS**
2 **EXPORT CONTROL PROCEDURES**
3 **Subtitle A—Defense Trade Controls**
4 **Performance Improvement Act**
5 **of 2008**

6 **SEC. 101. SHORT TITLE.**

7 This subtitle may be cited as the “Defense Trade
8 Controls Performance Improvement Act of 2008”.

9 **SEC. 102. FINDINGS.**

10 Congress finds the following:

11 (1) In a time of international terrorist threats
12 and a dynamic global economic and security environment, United States policy with regard to export
13 controls is in urgent need of a comprehensive review
14 in order to ensure such controls are protecting the

1 national security and foreign policy interests of the
2 United States.

3 (2) In January 2007, the Government Account-
4 ability Office designated the effective identification
5 and protection of critical technologies as a govern-
6 ment-wide, high-risk area, warranting a strategic re-
7 examination of existing programs, including pro-
8 grams relating to arms export controls.

9 (3) Federal Government agencies must review
10 licenses for export of munitions in a thorough and
11 timely manner to ensure that the United States is
12 able to assist United States allies and to prevent nu-
13 clear and conventional weapons from getting into the
14 hands of enemies of the United States.

15 (4) Both staffing and funding that relate to the
16 Department of State's arms export control respon-
17 sibilities have not kept pace with the increased work-
18 load relating to such responsibilities, especially over
19 the last five years.

20 (5) Outsourcing and off-shoring of defense pro-
21 duction and the policy of many United States trad-
22 ing partners to require offsets for major sales of de-
23 fense and aerospace articles present a potential
24 threat to United States national security and eco-

1 nomic well-being and serve to weaken the defense in-
2 dustrial base.

3 (6) Export control policies can have a negative
4 impact on United States employment, nonprolifera-
5 tion goals, and the health of the defense industrial
6 base, particularly when facilitating the overseas
7 transfer of technology or production and other forms
8 of outsourcing, such as offsets (direct and indirect),
9 co-production, subcontracts, overseas investment and
10 joint ventures in defense and commercial industries.
11 Federal Government agencies must develop new and
12 effective procedures for ensuring that export control
13 systems address these problems and the threat they
14 pose to national security.

15 (7) In the report to Congress required by the
16 Conference Report (Report 109-272) accompanying
17 the bill, H.R. 2862 (the Science, State, Justice,
18 Commerce and Related Agencies Appropriations Act,
19 2006; Public Law 109-108), the Department of
20 State concluded that—

21 (A) defense trade licensing has become
22 much more complex in recent years as a con-
23 sequence of the increasing globalization of the
24 defense industry;

1 (B) the most important challenge to the
2 Department of State's licensing process has
3 been the sheer growth in volume of applicants
4 for licenses and agreements, without the cor-
5 responding increase in licensing officers;

6 (C) fiscal year 2005 marked the third
7 straight year of roughly 8 percent annual in-
8 creases in licensing volume;

9 (D) although an 8 percent increase in
10 workload equates to a requirement for three ad-
11 ditional licensing officers per year, there has
12 been no increase in licensing officers during this
13 period; and

14 (E) the increase in licensing volume with-
15 out a corresponding increase in trained and ex-
16 perienced personnel has resulted in delays and
17 increased processing times.

18 (8) In 2006, the Department of State processed
19 over three times as many licensing applications as
20 the Department of Commerce with about a fifth of
21 the staff of the Department of Commerce.

22 (9) On July 27, 2007, in testimony delivered to
23 the Subcommittee on Terrorism, Nonproliferation
24 and Trade of the House Committee on Foreign Af-
25 fairs to examine the effectiveness of the United

1 States export control regime, the Government Ac-
2 countability Office found that—

3 (A) the United States Government needs
4 to conduct assessments to determine its overall
5 effectiveness in the area of arms export control;
6 and

7 (B) the processing times of the Depart-
8 ment of State doubled over the period from
9 2002 to 2006.

10 (10) Although the current number of unproc-
11 essed applications for licenses to export defense
12 items is less than 3,800 applications, due to the ex-
13 traordinary efforts of the personnel and manage-
14 ment of the Department of State's Directorate of
15 Defense Trade Controls, at the end of 2006, the De-
16 partment of State's backlog of such unprocessed ap-
17 plications reached its highest level at more than
18 10,000 unprocessed applications. This resulted in
19 major management and personnel challenges for the
20 Directorate of Defense Trade Controls.

21 (11)(A) Allowing a continuation of the status
22 quo in resources for defense trade licensing could ul-
23 timately harm the United States defense industrial
24 base. The 2007 Institute for Defense Analysis report
25 entitled "Export Controls and the U.S. Defense In-

1 dustrial Base” found that the large backlog and long
2 processing times by the Department of State for ap-
3 plications for licenses to export defense items led to
4 an impairment of United States firms in some sec-
5 tors to conduct global business relative to foreign
6 competitors.

7 (B) Additionally, the report found that United
8 States commercial firms have been reluctant to en-
9 gage in research and development activities for the
10 Department of Defense because this raises the fu-
11 ture prospects that the products based on this re-
12 search and development, even if intrinsically com-
13 mercial, will be saddled by Department of State mu-
14 nitions controls due to the link to that research.

15 (12) According to the Department of State’s
16 fiscal year 2008 budget justification to Congress,
17 commercial exports licensed or approved under the
18 Arms Export Control Act exceeded
19 \$30,000,000,000, with nearly eighty percent of these
20 items exported to United States NATO allies and
21 other major non-NATO allies.

22 (13) A Government Accountability Office report
23 of October 9, 2001 (GAO-02-120), documented am-
24 biguous export control jurisdiction affecting 25 per-
25 cent of the items that the United States Government

1 agreed to control as part of its commitments to the
2 Missile Technology Control Regime. The United
3 States Government has not clearly determined which
4 department has jurisdiction over these items, which
5 increases the risk that these items will fall into the
6 wrong hands. During both the 108th and 109th
7 Congresses, the House of Representatives passed
8 legislation mandating that the Administration clarify
9 this issue.

10 SEC. 103. STRATEGIC REVIEW AND ASSESSMENT OF THE
11 UNITED STATES EXPORT CONTROLS SYSTEM.

12 (a) REVIEW AND ASSESSMENT.—

1 agencies, through administrative actions, in-
2 cluding regulations, and to formulate legislative
3 proposals for new authorities that are needed;

4 (B) develop processes to ensure better co-
5 ordination of arms export control activities of
6 the Department of State with activities of other
7 departments and agencies of the United States
8 that are responsible for enforcing United States
9 arms export control laws;

10 (C) ensure that all items on the Missile
11 Technology Control Regime Annex are subject
12 to stringent control by the United States Gov-
13 ernment;

14 (D) determine the overall effect of arms
15 export controls on counterterrorism, law en-
16 forcement, and infrastructure protection mis-
17 sions of the Department of Homeland Security;
18 and

19 (E) contain a detailed summary of known
20 attempts by unauthorized end-users (such as
21 international arms traffickers, foreign intel-
22 ligence agencies, and foreign terrorist organiza-
23 tions) to acquire items on the United States
24 Munitions List, including—

25 (i) data on—

11

(I) commodities sought, such as
M-4 rifles, night vision devices, F-14
spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) destination countries and
transit countries;

9 (IV) modes of transport;

(V) trafficking methods, such as
use of false documentation and front
companies registered under flags of
convenience;

(VI) whether the attempted illicit transfer was successful; and

16 (VII) any administrative or
17 criminal enforcement actions taken by
18 the United States and any other gov-
19 ernment in relation to the attempted
20 illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

12

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

4 (iv) an examination of the extent to
5 which the increased tendency toward
6 outsourcing and off-shoring of defense pro-
7 duction harm United States national secu-
8 rity and weaken the defense industrial
9 base, including direct and indirect impact
10 on employment, and formulate policies to
11 address these trends as well as the policy
12 of some United States trading partners to
13 require offsets for major sales of defense
14 articles.

15 (b) CONGRESSIONAL BRIEFINGS.—The President
16 shall provide periodic briefings to the appropriate congres-
17 sional committees on the progress of the review and as-
18 sessment conducted under subsection (a). The require-
19 ment to provide congressional briefings under this sub-
20 section shall terminate on the date on which the President
21 transmits to the appropriate congressional committees the
22 report required under subsection (c).

23 (c) REPORT.—Not later than 18 months after the
24 date of the enactment of this Act, the President shall
25 transmit to the appropriate congressional committees a re-

1 port that contains the results of the review and assessment
2 conducted under subsection (a). The report required by
3 this subsection shall contain a certification that the re-
4 quirement of subsection (a)(2)(C) has been met, or if the
5 requirement has not been met, the reasons therefor. The
6 report required by this subsection shall be submitted in
7 unclassified form, but may contain a classified annex, if
8 necessary.

9 **SEC. 104. PERFORMANCE GOALS FOR PROCESSING OF AP-**

10 **PLICATIONS FOR LICENSES TO EXPORT**
11 **ITEMS ON USML.**

12 (a) IN GENERAL.—The Secretary of State, acting
13 through the head of the Directorate of Defense Trade
14 Controls of the Department of State, shall establish the
15 following goals:

16 (1) The processing time for review of each ap-
17 plication for a license to export items on the United
18 States Munitions List (other than applications for
19 approval of agreements under part 124 of title 22,
20 Code of Federal Regulations (or successor regula-
21 tions)) shall be not more than 60 days from the date
22 of receipt of the application.

23 (2) The processing time for review of each ap-
24 plication for a commodity jurisdiction determination

1 shall be not more than 60 days from the date of re-
2 ceipt of the application.

3 (3) The total number of applications described
4 in paragraph (1) that are unprocessed shall be not
5 more than 7 percent of the total number of such ap-
6 plications submitted in the preceding calendar year.

7 (b) ADDITIONAL REVIEW.—(1) If an application de-
8 scribed in paragraph (1) or (2) of subsection (a) is not
9 processed within the time period described in the respec-
10 tive paragraph of such subsection, then the Managing Di-
11 rector of the Directorate of Defense Trade Controls or the
12 Deputy Assistant Secretary for Defense Trade and Re-
13 gional Security of the Department of State, as appro-
14 priate, shall review the status of the application to deter-
15 mine if further action is required to process the applica-
16 tion.

17 (2) If an application described in paragraph (1) or
18 (2) of subsection (a) is not processed within 90 days from
19 the date of receipt of the application, then the Assistant
20 Secretary for Political-Military Affairs of the Department
21 of State shall—

22 (A) review the status of the application to de-
23 termine if further action is required to process the
24 application; and

1 (B) submit to the appropriate congressional
2 committees a notification of the review conducted
3 under subparagraph (A), including a description of
4 the application, the reason for delay in processing
5 the application, and a proposal for further action to
6 process the application.

7 (3) For each calendar year, the Managing Director
8 of the Directorate of Defense Trade Controls shall review
9 not less than 2 percent of the total number of applications
10 described in paragraphs (1) and (2) of subsection (a) to
11 ensure that the processing of such applications, including
12 decisions to approve, deny, or return without action, is
13 consistent with both policy and regulatory requirements
14 of the Department of State.

15 (c) UNITED STATES ALLIES.—Congress states
16 that—

17 (1) it shall be the policy of the Directorate of
18 Defense Trade Controls of the Department of State
19 to ensure that, to the maximum extent practicable,
20 the processing time for review of applications de-
21 scribed in subsection (a)(1) to export items that are
22 not subject to the requirements of section 36(b) or
23 (c) of the Arms Export Control Act (22 U.S.C.
24 2776(b) or (c)) to United States allies in direct sup-
25 port of combat operations or peacekeeping or hu-

1 manitarian operations with United States Armed
2 Forces is not more than 7 days from the date of re-
3 ceipt of the application; and

4 (2) it shall be the goal, as appropriate, of the
5 Directorate of Defense Trade Controls to ensure
6 that, to the maximum extent practicable, the proc-
7 essing time for review of applications described in
8 subsection (a)(1) to export items that are not sub-
9 ject to the requirements of section 36(b) or (c) of
10 the Arms Export Control Act to government security
11 agencies of United States NATO allies, Australia,
12 New Zealand, Japan, South Korea, Israel, and, as
13 appropriate, other major non-NATO allies for any
14 purpose other than the purpose described in para-
15 graph (1) is not more than 30 days from the date
16 of receipt of the application.

17 (d) REPORT.—Not later than December 31, 2010,
18 and December 31, 2011, the Secretary of State shall sub-
19 mit to the appropriate congressional committees a report
20 that contains a detailed description of—

21 (1)(A) the average processing time for and
22 number of applications described in subsection
23 (a)(1) to—

24 (i) United States NATO allies, Australia,
25 New Zealand, Japan, South Korea, and Israel;

- 1 (ii) other major non-NATO allies; and
2 (iii) all other countries; and
3 (B) to the extent practicable, the average pro-
4 cessing time for and number of applications described
5 in subsection (b)(1) by item category;
6 (2) the average processing time for and number
7 of applications described in subsection (a)(2);
8 (3) the average processing time for and number
9 of applications for agreements described in part 124
10 of title 22, Code of Federal Regulations (relating to
11 the International Traffic in Arms Regulations);
12 (4) any management decisions of the Direc-
13 torate of Defense Trade Controls of the Department
14 of State that have been made in response to data
15 contained in paragraphs (1) through (3); and
16 (5) any advances in technology that will allow
17 the time-frames described in subsection (a)(1) to be
18 substantially reduced.
19 (e) CONGRESSIONAL BRIEFINGS.—If, at the end of
20 any month beginning after the date of the enactment of
21 this Act, the total number of applications described in sub-
22 section (a)(1) that are unprocessed is more than 7 percent
23 of the total number of such applications submitted in the
24 preceding calendar year, then the Secretary of State, act-
25 ing through the Under Secretary for Arms Control and

1 International Security, the Assistant Secretary for Polit-
2 ical-Military Affairs, or the Deputy Assistant Secretary
3 for Defense Trade and Regional Security of the Depart-
4 ment of State, as appropriate, shall brief the appropriate
5 congressional committees on such matters and the correc-
6 tive measures that the Directorate of Defense Trade Con-
7 trols will take to comply with the requirements of sub-
8 section (a).

9 (f) TRANSPARENCY OF COMMODITY JURISDICTION
10 DETERMINATIONS.—

11 (1) DECLARATION OF POLICY.—Congress de-
12 clares that the complete confidentiality surrounding
13 several hundred commodity jurisdiction determina-
14 tions made each year by the Department of State
15 pursuant to the International Traffic in Arms Regu-
16 lations is not necessary to protect legitimate propri-
17 etary interests of persons or their prices and cus-
18 tomers, is not in the best security and foreign policy
19 interests of the United States, is inconsistent with
20 the need to ensure a level playing field for United
21 States exporters, and detracts from United States
22 efforts to promote greater transparency and respon-
23 sibility by other countries in their export control sys-
24 tems.

1 (2) PUBLICATION ON INTERNET WEBSITE.—

2 The Secretary of State shall—

3 (A) upon making a commodity jurisdiction
4 determination referred to in paragraph (1) pub-
5 lish on the Internet website of the Department
6 of State not later than 30 days after the date
7 of the determination—

8 (i) the name of the manufacturer of
9 the item;

10 (ii) a brief general description of the
11 item;

12 (iii) the model or part number of the
13 item; and

14 (iv) the United States Munitions List
15 designation under which the item has been
16 designated, except that—

17 (I) the name of the person or
18 business organization that sought the
19 commodity jurisdiction determination
20 shall not be published if the person or
21 business organization is not the man-
22 ufacturer of the item; and

23 (II) the names of the customers,
24 the price of the item, and any propri-
25 etary information relating to the item

20

1 indicated by the person or business
2 organization that sought the com-
3 modity jurisdiction determination
4 shall not be published; and

10 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to prohibit the President or Con-
12 gress from undertaking a thorough review of the national
13 security and foreign policy implications of a proposed ex-
14 port of items on the United States Munitions List.

15 SEC. 105. REQUIREMENT TO ENSURE ADEQUATE STAFF
16 AND RESOURCES FOR DDTC OF THE DEPART-
17 MENT OF STATE.

18 (a) REQUIREMENT.—The Secretary of State shall en-
19 sure that the Directorate of Defense Trade Controls of
20 the Department of State has the necessary staff and re-
21 sources to carry out this subtitle and the amendments
22 made by this subtitle.

23 (b) MINIMUM NUMBER OF LICENSING OFFICERS.—
24 For fiscal year 2010 and each subsequent fiscal year, the
25 Secretary of State shall ensure that the Directorate of De-

1 fense Trade Controls has at least 1 licensing officer for
2 every 1,250 applications for licenses and other authoriza-
3 tions to export items on the United States Munitions List
4 by not later than the third quarter of such fiscal year,
5 based on the number of licenses and other authorizations
6 expected to be received during such fiscal year. The Sec-
7 retary shall ensure that in meeting the requirement of this
8 subsection, the performance of other functions of the Di-
9 rectorate of Defense Trade Controls is maintained and
10 adequate staff is provided for those functions.

11 (c) MINIMUM NUMBER OF STAFF FOR COMMODITY
12 JURISDICTION DETERMINATIONS.—For each of the fiscal
13 years 2009 through 2011, the Secretary of State shall en-
14 sure that the Directorate of Defense Trade Controls has,
15 to the extent practicable, not less than three individuals
16 assigned to review applications for commodity jurisdiction
17 determinations.

18 (d) ENFORCEMENT RESOURCES.—In accordance
19 with section 127.4 of title 22, Code of Federal Regula-
20 tions, U.S. Immigration and Customs Enforcement is au-
21 thorized to investigate violations of the International Traf-
22 fic in Arms Regulations on behalf of the Directorate of
23 Defense Trade Controls of the Department of State. The
24 Secretary of State shall ensure that the Directorate of De-

1 fence Trade Controls has adequate staffing for enforcement
2 of the International Traffic in Arms Regulations.

3 **SEC. 106. AUDIT BY INSPECTOR GENERAL OF THE DEPART-**

4 **MENT OF STATE.**

5 (a) AUDIT.—Not later than the end of each of the
6 fiscal years 2010 and 2011, the Inspector General of the
7 Department of State shall conduct an independent audit
8 to determine the extent to which the Department of State
9 is meeting the requirements of sections 104 and 105 of
10 this Act.

11 (b) REPORT.—The Inspector General shall submit to
12 the appropriate congressional committees a report that
13 contains the result of each audit conducted under sub-
14 section (a).

15 **SEC. 107. INCREASED FLEXIBILITY FOR USE OF DEFENSE**

16 **TRADE CONTROLS REGISTRATION FEES.**

17 (a) IN GENERAL.—Section 45 of the State Department
18 Basic Authorities Act of 1956 (22 U.S.C. 2717) is
19 amended—

20 (1) in the first sentence—

21 (A) by striking “For” and inserting “(a)
22 IN GENERAL.—For”; and

23 (B) by striking “Office” and inserting “Di-
24 rectorate”;

1 (2) by amending the second sentence to read as
2 follows:

3 “(b) AVAILABILITY OF FEES.—Fees credited to the
4 account referred to in subsection (a) shall be available only
5 for payment of expenses incurred for—

6 “(1) management,
7 “(2) licensing (in order to meet the require-
8 ments of section 105 of the Defense Trade Controls
9 Performance Improvement Act of 2008 (relating to
10 adequate staff and resources of the Directorate of
11 Defense Trade Controls)),

12 “(3) compliance,
13 “(4) policy activities, and
14 “(5) facilities,

15 of defense trade controls functions.”; and

16 (3) by adding at the end the following:

17 “(c) ALLOCATION OF FEES.—In allocating fees for
18 payment of expenses described in subsection (b), the Sec-
19 retary of State shall accord the highest priority to pay-
20 ment of expenses incurred for personnel and equipment
21 of the Directorate of Defense Trade Controls, including
22 payment of expenses incurred to meet the requirements
23 of section 105 of the Defense Trade Controls Performance
24 Improvement Act of 2008.”.

1 (b) CONFORMING AMENDMENT.—Section
2 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C.
3 2778(b)(3)(A)) is amended to read as follows:

4 “(3)(A) For each fiscal year, 100 percent of registra-
5 tion fees collected pursuant to paragraph (1) shall be cred-
6 ited to a Department of State account, to be available
7 without fiscal year limitation. Fees credited to that ac-
8 count shall be available only for the payment of expenses
9 incurred for—

10 “(i) management,
11 “(ii) licensing (in order to meet the require-
12 ments of section 105 of the Defense Trade Controls
13 Performance Improvement Act of 2008 (relating to
14 adequate staff and resources of the Directorate of
15 Defense Trade Controls)),

16 “(iii) compliance,
17 “(iv) policy activities, and
18 “(v) facilities,

19 of defense trade controls functions.”.

20 (c) USE OF CIVIL PENALTIES.—Not more than
21 \$10,000,000 of the amount of civil penalties collected in
22 each of fiscal years 2008, 2009, 2010, 2011 and 2012
23 pursuant to section 38(e) of the Arms Export Control Act
24 (22 U.S.C. 2778(e)) shall be made available for the ex-

1 penses of the Directorate of Defense Trade Controls of
2 the Department of State.

3 **SEC. 108. REVIEW OF ITAR AND USML.**

4 (a) IN GENERAL.—The Secretary of State shall re-
5 view, with the assistance of United States manufacturers
6 and other interested parties described in section 111(2)
7 of this Act, the International Traffic in Arms Regulations
8 and the United States Munitions List to determine those
9 technologies and goods that warrant different or addi-
10 tional controls.

11 (b) CONDUCT OF REVIEW.—In carrying out the re-
12 view required under subsection (a), the Secretary of State
13 shall review not less than 20 percent of the technologies
14 and goods on the International Traffic in Arms Regula-
15 tions and the United States Munitions List in each cal-
16 endar year so that for the 5-year period beginning with
17 calendar year 2009, and for each subsequent 5-year pe-
18 riod, the International Traffic in Arms Regulations and
19 the United States Munitions List will be reviewed in their
20 entirety.

21 (c) REPORT.—The Secretary of State shall submit to
22 the appropriate congressional committees an annual re-
23 port on the results of the review carried out under this
24 section.

1 SEC. 109. SPECIAL LICENSING AUTHORIZATION FOR CER-

2 **TAIN EXPORTS TO NATO MEMBER STATES,
3 AUSTRALIA, JAPAN, AND NEW ZEALAND.**

4 (c) IN GENERAL.—Section 38 of the Arms Export
5 Control Act (22 U.S.C. 2778) is amended by adding at
6 the end the following:

7 “(k) SPECIAL LICENSING AUTHORIZATION FOR CER-
8 TAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA,
9 JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

10 “(1) AUTHORIZATION.—(A) The President may
11 provide for special licensing authorization for exports
12 of United States-manufactured spare and replace-
13 ment parts or components listed in an application
14 for such special licensing authorization in connection
15 with defense items previously exported to NATO
16 member states, Australia, Japan, New Zealand,
17 Israel, and South Korea. A special licensing author-
18 ization issued pursuant to this clause shall be effec-
19 tive for a period not to exceed 5 years.

20 “(B) An authorization may be issued under
21 subparagraph (A) only if the applicable government
22 of the country described in subparagraph (A), acting
23 through the applicant for the authorization, certifies
24 that—

1 “(i) the export of spare and replacement
2 parts or components supports a defense item
3 previously lawfully exported;

4 “(ii) the spare and replacement parts or
5 components will be transferred to a defense
6 agency of a country described in subparagraph
7 (A) that is a previously approved end-user of
8 the defense items and not to a distributor or a
9 foreign consignee of such defense items;

10 “(iii) the spare and replacement parts or
11 components will not be used to materially en-
12 hance, optimize, or otherwise modify or upgrade
13 the capability of the defense items;

14 “(iv) the spare and replacement parts or
15 components relate to a defense item that is
16 owned, operated, and in the inventory of the
17 armed forces a country described in subpara-
18 graph (A);

19 “(v) the export of spare and replacement
20 parts or components will be effected using the
21 freight forwarder designated by the purchasing
22 country’s diplomatic mission as responsible for
23 handling transfers under chapter 2 of this Act
24 as required under regulations; and

1 “(vi) the spare and replacement parts or
2 components to be exported under the special li-
3 censing authorization are specifically identified
4 in the application.

5 “(C) An authorization may not be issued under
6 subparagraph (A) for purposes of establishing off-
7 shore procurement arrangements or producing de-
8 fense articles offshore.

9 “(D)(i) For purposes of this subsection, the
10 term ‘United States-manufactured spare and re-
11 placement parts or components’ means spare and
12 replacement parts or components—

13 “(I) with respect to which—

14 “(aa) United States-origin content
15 costs constitute at least 85 percent of the
16 total content costs;

17 “(bb) United States manufacturing
18 costs constitute at least 85 percent of the
19 total manufacturing costs; and

20 “(cc) foreign content, if any, is limited
21 to content from countries eligible to receive
22 exports of items on the United States Mu-
23 nitions List under the International Traffic
24 in Arms Regulations (other than de mini-
25 mis foreign content); and

1 “(II) that were last substantially trans-
2 formed in the United States.

3 “(ii) For purposes of clause (i)(I)(aa) and (bb),
4 the costs of non-United States-origin content shall
5 be determined using the final price or final cost as-
6 sociated with the non-United States-origin content.

7 “(2) INAPPLICABILITY PROVISIONS.—(A) The
8 provisions of this subsection shall not apply with re-
9 spect to re-exports or re-transfers of spare and re-
10 placement parts or components and related services
11 of defense items described in paragraph (1).

12 “(B) The congressional notification require-
13 ments contained in section 36(c) of this Act shall
14 not apply with respect to an authorization issued
15 under paragraph (1).”.

16 (d) EFFECTIVE DATE.—The President shall issue
17 regulations to implement amendments made by subsection
18 (a) not later than 180 days after the date of the enactment
19 of this Act.

20 **SEC. 110. AVAILABILITY OF INFORMATION ON THE STATUS**
21 **OF LICENSE APPLICATIONS UNDER CHAPTER**
22 **3 OF THE ARMS EXPORT CONTROL ACT.**

23 Chapter 3 of the Arms Export Control Act (22
24 U.S.C. 2771 et seq.) is amended by inserting after section
25 38 the following new section:

1 **"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STA-**
2 **TUS OF LICENSE APPLICATIONS UNDER THIS**
3 **CHAPTER.**

4 “(a) AVAILABILITY OF INFORMATION.—Not later
5 than one year after the date of the enactment of the De-
6 fense Trade Controls Performance Improvement Act of
7 2008, the President shall make available to persons who
8 have pending license applications under this chapter and
9 the committees of jurisdiction the ability to access elec-
10 tronically current information on the status of each license
11 application required to be submitted under this chapter.

12 “(b) MATTERS TO BE INCLUDED.—The information
13 referred to in subsection (a) shall be limited to the fol-
14 lowing:

15 “(1) The case number of the license application.

16 “(2) The date on which the license application
17 is received by the Department of State and becomes
18 an ‘open application’.

19 “(3) The date on which the Directorate of De-
20 fense Trade Controls makes a determination with re-
21 spect to the license application or transmits it for
22 interagency review, if required.

23 “(4) The date on which the interagency review
24 process for the license application is completed, if
25 such a review process is required.

1 “(5) The date on which the Department of
2 State begins consultations with the congressional
3 committees of jurisdiction with respect to the license
4 application.

5 “(6) The date on which the license application
6 is sent to the congressional committees of jurisdic-
7 tion.”.

8 **SEC. 111. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1)(A) the advice provided to the Secretary of
11 State by the Defense Trade Advisory Group
12 (DTAG) supports the regulation of defense trade
13 and helps ensure that United States national secu-
14 rity and foreign policy interests continue to be pro-
15 tected and advanced while helping to reduce unnec-
16 essary impediments to legitimate exports in order to
17 support the defense requirements of United States
18 friends and allies; and

19 (B) therefore, the Secretary of State should
20 share significant planned rules and policy shifts with
21 DTAG for comment; and

22 (2) recognizing the constraints imposed on the
23 Department of State by the nature of a voluntary
24 organization such as DTAG, the Secretary of State
25 is encouraged to ensure that members of DTAG are

1 drawn from a representative cross-section of subject
2 matter experts from the United States defense in-
3 dustry, relevant trade and labor associations, aca-
4 demic, and foundation personnel.

5 **SEC. 112. DEFINITIONS.**

6 In this subtitle:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the Committee on Foreign Affairs of
10 the House of Representatives and the Committee on
11 Foreign Relations of the Senate.

12 (2) INTERNATIONAL TRAFFIC IN ARMS REGULA-
13 TIONS; ITAR.—The term “International Traffic in
14 Arms Regulations” or “ITAR” means those regula-
15 tions contained in parts 120 through 130 of title 22,
16 Code of Federal Regulations (or successor regula-
17 tions).

18 (3) MAJOR NON-NATO ALLY.—The term “major
19 non-NATO ally” means a country that is designated
20 in accordance with section 517 of the Foreign As-
21 sistance Act of 1961 (22 U.S.C. 2321k) as a major
22 non-NATO ally for purposes of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
24 Arms Export Control Act (22 U.S.C. 2751 et seq.).

1 (4) MISSILE TECHNOLOGY CONTROL REGIME;
2 MTCR.—The term “Missile Technology Control Re-
3 gime” or “MTCR” has the meaning given the term
4 in section 11B(c)(2) of the Export Administration
5 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

6 (5) MISSILE TECHNOLOGY CONTROL REGIME
7 ANNEX; MTCR ANNEX.—The term “Missile Tech-
8 nology Control Regime Annex” or “MTCR Annex”
9 has the meaning given the term in section 11B(c)(4)
10 of the Export Administration Act of 1979 (50
11 U.S.C. App. 2401b(c)(4)).

12 (6) OFFSETS.—The term “offsets” includes
13 compensation practices required of purchase in ei-
14 ther government-to-government or commercial sales
15 of defense articles or defense services under the
16 Arms Export Control Act (22 U.S.C. 2751 et seq.)
17 and the International Traffic in Arms Regulations.

18 (7) UNITED STATES MUNITIONS LIST; USML.—
19 The term “United States Munitions List” or
20 “USML” means the list referred to in section
21 38(a)(1) of the Arms Export Control Act (22 U.S.C.
22 2778(a)(1)).

23 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated such sums
25 as may be necessary for fiscal year 2009 and each subse-

1 quent fiscal year to carry out this subtitle and the amend-
2 ments made by this subtitle.

3 **Subtitle B—Miscellaneous
4 Provisions**

5 **SEC. 121. REPORT ON SELF-FINANCING OPTIONS FOR EX-**
6 **PORT LICENSING FUNCTIONS OF DDTG OF**
7 **THE DEPARTMENT OF STATE.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of State shall submit to
10 the appropriate congressional committees a report on pos-
11 sible mechanisms to place the export licensing functions
12 of the Directorate of Defense Trade Controls of the De-
13 partment of State on a 100 percent self-financing basis.

14 **SEC. 122. EXPEDITING CONGRESSIONAL DEFENSE EXPORT**
15 **REVIEW PERIOD FOR SOUTH KOREA AND**
16 **ISRAEL.**

17 The Arms Export Control Act (22 U.S.C. 2751 et
18 seq.) is amended—

- 19 (1) in sections 3(b)(2), 3(d)(2)(B),
20 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1),
21 36(b)(2), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A),
22 62(c)(1), and 63(a)(2) by inserting “the Republic of
23 Korea, Israel,” before “or New Zealand”; and
24 (2) in section 21(h)(1)(A), by inserting “the
25 Republic of Korea,” before “or Israel”.

1 **SEC. 123. AVAILABILITY TO CONGRESS OF PRESIDENTIAL
2 DIRECTIVES REGARDING UNITED STATES
3 ARMS EXPORT POLICIES, PRACTICES, AND
4 REGULATIONS.**

5 (a) IN GENERAL.—The President shall make avail-
6 able to the appropriate congressional committees the text
7 of each Presidential directive regarding United States ex-
8 port policies, practices, and regulations relating to the im-
9 plementation of the Arms Export Control Act (22 U.S.C.
10 2751 et seq.) not later than 15 days after the date on
11 which the directive has been signed or authorized by the
12 President.

13 (b) TRANSITION PROVISION.—Any Presidential di-
14 rective described in subsection (a) that is signed or author-
15 ized by the President on or after January 1, 2008, and
16 before the date of the enactment of this Act shall be made
17 available to the appropriate congressional committees not
18 later than 90 days after the date of the enactment of this
19 Act.

20 (c) FORM.—To the maximum extent practicable, the
21 Presidential directives required to be made available to the
22 appropriate congressional committees under this section
23 shall be made available on an unclassified basis.

1 SEC. 124. INCREASE IN CONGRESSIONAL NOTIFICATION
2 THRESHOLDS AND EXPEDITING CONGRES-
3 SIONAL REVIEW FOR SOUTH KOREA AND
4 ISRAEL.

5 (a) FOREIGN MILITARY SALES.—

6 (1) IN GENERAL.—Subsection (b) of section 36
7 of the Arms Export Control Act (22 U.S.C. 2776)
8 is amended—

9 (A) by redesignating paragraphs (2)
10 through (6) as paragraphs (3) through (7), re-
11 spectively; and

12 (B) by striking “The letter of offer shall
13 not be issued” and all that follows through “en-
14 acts a joint resolution” and inserting the fol-
15 lowing:

16 “(2) The letter of offer shall not be issued—

17 “(A) with respect to a proposed sale of any
18 defense articles or defense services under this
19 Act for \$200,000,000 or more, any design and
20 construction services for \$300,000,000 or more,
21 or any major defense equipment for
22 \$75,000,000 or more, to the North Atlantic
23 Treaty Organization (NATO), any member
24 country of NATO, Japan, Australia, the Repub-
25 lic of Korea, Israel, or New Zealand, if Con-

1 gress, within 15 calendar days after receiving
2 such certification, or

3 “(B) with respect to a proposed sale of any
4 defense articles or services under this Act for
5 \$100,000,000 or more, any design and con-
6 struction services for \$200,000,000 or more, or
7 any major defense equipment for \$50,000,000
8 or more, to any other country or organization,
9 if Congress, within 30 calendar days after re-
10 ceiving such certification,

11 enacts a joint resolution”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENTS.—Such section is further amended—

14 (A) in subsection (b)—

15 (i) in paragraph (6)(C), as redesig-
16 nated, by striking “Subject to paragraph
17 (6), if” and inserting “If”; and

18 (ii) by striking paragraph (7), as re-
19 designated; and

20 (B) in subsection (c)(4), by striking “sub-
21 section (b)(5)” and inserting “subsection
22 (b)(6)”.

23 (b) COMMERCIAL SALES.—Subsection (c) of such sec-
24 tion is amended—

25 (1) in paragraph (2)—

- 1 (A) in subparagraph (A)—
2 (i) by inserting after “for an export”
3 the following: “of any major defense equip-
4 ment sold under a contract in the amount
5 of \$75,000,000 or more or of defense arti-
6 cles or defense services sold under a con-
7 tract in the amount of \$200,000,000 or
8 more, (or, in the case of a defense article
9 that is a firearm controlled under category
10 I of the United States Munitions List,
11 \$1,000,000 or more); and
12 (ii) by striking “Organization,” and
13 inserting “Organization (NATO),” and by
14 further striking “that Organization” and
15 inserting “NATO”; and
16 (B) in subparagraph (C), by inserting after
17 “license” the following: “for an export of any
18 major defense equipment sold under a contract
19 in the amount of \$50,000,000 or more or of de-
20 fense articles or defense services sold under a
21 contract in the amount of \$100,000,000 or
22 more, (or, in the case of a defense article that
23 is a firearm controlled under category I of the
24 United States Munitions List, \$1,000,000 or
25 more); and

1 (2) by striking paragraph (5).

2 **SEC. 125. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
3 **TIONAL AND INTERNATIONAL ARMS EXPORT**
4 **CONTROLS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the President should redouble United States
7 diplomatic efforts to strengthen national and international
8 arms export controls by establishing a senior-level initia-
9 tive to ensure that such arms export controls are com-
10 parable to and supportive of United States arms export
11 controls, particularly with respect to countries of concern
12 to the United States.

13 (b) REPORT.—No later than one year after the date
14 of the enactment of this Act, and annually thereafter for
15 four years, the President shall transmit to the appropriate
16 committees of Congress a report on United States diplo-
17 matic efforts described in subsection (a).

18 **SEC. 126. REPORTING REQUIREMENT FOR UNLICENSED EX-**
19 **PORTS.**

20 Section 655(b) of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2415(b)) is amended—

22 (1) in paragraph (2), by striking “or” at the
23 end;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting “; or”; and

40

1 (3) by adding at the end the following:

“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

12 SEC. 127. REPORT ON VALUE OF MAJOR DEFENSE EQUIP-
13 MENT AND DEFENSE ARTICLES EXPORTED
14 UNDER SECTION 38 OF THE ARMS EXPORT
15 CONTROL ACT.

16 Section 38 of the Arms Export Control Act (22
17 U.S.C. 2778) is amended by adding at the end the fol-
18 lowing:

19 “(k) REPORT.—

20 “(1) IN GENERAL.—The President shall trans-
21 mit to the appropriate congressional committees a
22 report that contains a detailed listing, by country
23 and by international organization, of the total dollar
24 value of major defense equipment and defense arti-

1 cles exported pursuant to licenses authorized under
2 this section for the previous fiscal year.

3 “(2) INCLUSION IN ANNUAL BUDGET.—The re-
4 port required by this subsection shall be included in
5 the supporting information of the annual budget of
6 the United States Government required to be sub-
7 mitted to Congress under section 1105 of title 31,
8 United States Code.

9 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term ‘ap-
11 propriate congressional committees’ means the Com-
12 mittee on Foreign Affairs of the House of Rep-
13 resentatives and the Committee on Foreign Rela-
14 tions of the Senate.”.

15 SEC. 128. REPORT ON SATELLITE EXPORT CONTROLS.

16 (a) REPORT.—The President shall report to the ap-
17 propriate committees of the Congress, not later than 180
18 days after the date of the enactment of this Act
19 regarding—

20 (1) the extent to which current United States
21 export controls on satellites and related items under
22 the Arms Export Control Act are successfully pre-
23 venting the transfer of militarily-sensitive tech-
24 nologies to countries of concern, especially the Peo-
25 ple’s Republic of China;

1 (2) the extent to which comparable satellites
2 and related items are available from foreign sources
3 without comparable export controls; and

4 (3) whether the current export controls on sat-
5 ellites and related items should be altered and in
6 what manner, including whether other incentives or
7 disincentives should also be employed to discourage
8 exports of satellites and related items to the People's
9 Republic of China by any country.

10 (b) DEFINITIONS.—In this section, the terms “sat-
11 ellite” and “related items” mean satellites and all specifi-
12 cally designed or modified systems or subsystems, compo-
13 nents, parts, accessories, attachments, and associated
14 equipment for satellites as covered under category XV of
15 the International Traffic in Arms Regulations (as in effect
16 on the date of the enactment of this Act).

17 **SEC. 129. DEFINITION.**

18 In this subtitle, the term “appropriate congressional
19 committees” means the Committee on Foreign Affairs of
20 the House of Representatives and the Committee on For-
21 eign Relations of the Senate.

1 **TITLE II—SECURITY ASSIST-**
2 **ANCE AND RELATED SUP-**
3 **PORT FOR ISRAEL**

4 **SEC. 201. ASSESSMENT OF ISRAEL'S QUALITATIVE MILI-**
5 **TARY EDGE OVER MILITARY THREATS.**

6 (a) ASSESSMENT REQUIRED.—The President shall
7 carry out an empirical and qualitative assessment on an
8 ongoing basis of the extent to which Israel possesses a
9 qualitative military edge over military threats to Israel.
10 The assessment required under this subsection shall be
11 sufficiently robust so as to facilitate comparability of data
12 over concurrent years.

13 (b) USE OF ASSESSMENT.—The President shall en-
14 sure that the assessment required under subsection (a) is
15 used to inform the review by the United States of applica-
16 tions to sell defense articles and defense services under
17 the Arms Export Control Act (22 U.S.C. 2751 et seq.)
18 to countries in the Middle East.

19 (c) REPORTS.—

20 (1) INITIAL REPORT.—Not later than 180 days
21 after the date of the enactment of this Act, the
22 President shall transmit to the appropriate congres-
23 sional committees a report on the initial assessment
24 required under subsection (a).

1 (2) QUADRENNIAL REPORT.—Not later than
2 four years after the date on which the President
3 transmits the initial report under paragraph (1),
4 and every four years thereafter, the President shall
5 transmit to the appropriate congressional commit-
6 tees a report on the most recent assessment required
7 under subsection (a).

8 (d) CERTIFICATION.—Section 36 of the Arms Export
9 Control Act (22 U.S.C. 2776) is amended by adding at
10 the end the following:

11 “(h) CERTIFICATION REQUIREMENT RELATING
12 ISRAEL’S QUALITATIVE MILITARY EDGE.—

13 “(1) IN GENERAL.—Any certification relating
14 to a proposed sale or export of defense articles or
15 defense services under this section to any country in
16 the Middle East other than Israel shall include a de-
17 termination that the sale or export of the defense ar-
18 ticles or defense services will not adversely affect
19 Israel’s qualitative military edge over military
20 threats to Israel.

21 “(2) DEFINITION.—In this subsection, the term
22 ‘qualitative military edge’ has the meaning given the
23 term in section 205 of the Security Assistance and
24 Arms Export Control Reform Act of 2008.”.

1 SEC. 202. REPORT ON UNITED STATES' COMMITMENTS TO**2 THE SECURITY OF ISRAEL.**

3 (a) INITIAL REPORT.—Not later than 30 days after
4 the date of the enactment of this Act, the President shall
5 transmit to the appropriate congressional committees a re-
6 port that contains—

7 (1) a complete, unedited, and unredacted copy
8 of each assurance made by United States Govern-
9 ment officials to officials of the Government of Israel
10 regarding Israel's security and maintenance of
11 Israel's qualitative military edge, as well as any
12 other assurance regarding Israel's security and
13 maintenance of Israel's qualitative military edge pro-
14 vided in conjunction with exports under the Arms
15 Export Control Act (22 U.S.C. 2751 et seq.), for the
16 period beginning on January 1, 1975, and ending on
17 the date of the enactment of this Act; and

18 (2) an analysis of the extent to which, and by
19 what means, each such assurance has been and is
20 continuing to be fulfilled.

21 (b) SUBSEQUENT REPORTS.—

22 (1) NEW ASSURANCES AND REVISIONS.—The
23 President shall transmit to the appropriate congres-
24 sional committees a report that contains the infor-
25 mation required under subsection (a) with respect
26 to—

1 (A) each assurance described in subsection
2 (a) made on or after the date of the enactment
3 of this Act, or

4 (B) revisions to any assurance described in
5 subsection (a) or subparagraph (A) of this
6 paragraph,

7 within 15 days of the new assurance or revision
8 being conveyed.

9 (2) 5-YEAR REPORTS.—Not later than 5 years
10 after the date of the enactment of this Act, and
11 every 5 years thereafter, the President shall trans-
12 mit to the appropriate congressional committees a
13 report that contains the information required under
14 subsection (a) with respect to each assurance de-
15 scribed in subsection (a) or paragraph (1)(A) of this
16 subsection and revisions to any assurance described
17 in subsection (a) or paragraph (1)(A) of this sub-
18 section during the preceding 5-year period.

19 (c) FORM.—Each report required by this section shall
20 be transmitted in unclassified form, but may contain a
21 classified annex, if necessary.

22 **SEC. 203. WAR RESERVES STOCKPILE.**

23 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS
24 ACT, 2005.—Section 12001 of the Department of Defense

1 Appropriations Act, 2005 (Public Law 108–287; 118 Stat.
2 1011), is amended—

3 (1) in subsection (a)(2)(D), by striking “as of
4 the date of enactment of this Act.”; and
5 (2) in subsection (d), by striking “2” and in-
6 serting “4”.

7 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
8 514(b)(2) of the Foreign Assistance Act of 1961 (22
9 U.S.C. 2321h(b)(2)) is amended—

10 (1) in subparagraph (A)—
11 (A) by striking “\$100,000,000” and in-
12 serting “\$200,000,000”; and
13 (B) by striking “fiscal years 2004 and
14 2005” and inserting “fiscal years 2009 and
15 2010”; and

16 (2) in subparagraph (B), by striking
17 “\$100,000,000” and inserting “\$200,000,000”.

18 (c) EFFECTIVE DATE.—The amendment made by
19 subsection (b)(1)(B) takes effect on August 5, 2008.

20 **SEC. 204. IMPLEMENTATION OF MEMORANDUM OF UNDER-**

21 **STANDING WITH ISRAEL.**

22 (a) IN GENERAL.—Of the amount made available for
23 fiscal year 2009 for assistance under the program author-
24 ized by section 23 of the Arms Export Control Act (22
25 U.S.C. 2763) (commonly referred to as the “Foreign Mili-

1 tary Financing Program”), the amount specified in sub-
2 section (b) is authorized to be made available on a grant
3 basis for Israel.

4 (b) COMPUTATION OF AMOUNT.—The amount re-
5 ferred to in subsection (a) is the amount equal to—

6 (1) the amount specified under the heading
7 “Foreign Military Financing Program” for Israel for
8 fiscal year 2008; plus
9 (2) \$150,000,000.

10 **SEC. 205. DEFINITIONS.**

11 In this subtitle—

12 (1) the term “appropriate congressional com-
13 mittees” means the Committee on Foreign Affairs of
14 the House of Representatives and the Committee on
15 Foreign Relations of the Senate; and

16 (2) the term “qualitative military edge” means
17 the ability to counter and defeat any credible con-
18 ventional military threat from any individual state or
19 possible coalition of states or from non-state actors,
20 while sustaining minimal damages and casualties,
21 through the use of superior military means, pos-
22 sessed in sufficient quantity, including weapons,
23 command, control, communication, intelligence, sur-
24 veillance, and reconnaissance capabilities that in
25 their technical characteristics are superior in capa-

1 bility to those of such other individual or possible co-
2 alition of states or non-state actors.

3 **TITLE III—WAIVER OF CERTAIN
4 SANCTIONS TO FACILITATE
5 DENUCLEARIZATION ACTIVI-
6 TIES IN NORTH KOREA**

7 **SEC. 301. WAIVER AUTHORITY AND EXCEPTIONS.**

8 (a) WAIVER AUTHORITY.—Except as provided in
9 subsection (b), the President may waive, in whole or in
10 part, the application of any sanction contained in subpara-
11 graph (A), (B), (D), or (G) of section 102(b)(2) of the
12 Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2))
13 with respect to North Korea in order to provide material,
14 direct, and necessary assistance for disablement, dis-
15 mantlement, verification, and physical removal activities
16 in the implementation of the commitment of North Korea,
17 undertaken in the Joint Statement of September 19,
18 2005, “to abandoning all nuclear weapons and existing
19 nuclear programs” as part of the verifiable
20 denuclearization of the Korean Peninsula.

21 (b) EXCEPTIONS.—The waiver authority under sub-
22 section (a) may not be exercised with respect to the fol-
23 lowing:

1 (1) Any export of lethal defense articles that
2 would be prevented by the application of section
3 102(b)(2)(B) of the Arms Export Control Act.

4 (2) Any sanction relating to credit or credit
5 guarantees contained in section 102(b)(2)(D) of the
6 Arms Export Control Act.

7 **SEC. 302. CERTIFICATION REGARDING WAIVER OF CER-**
8 **TAIN SANCTIONS.**

9 Assistance described in subparagraph (B) or (G) of
10 section 102(b)(2) of the Arms Export Control Act (22
11 U.S.C. 2799aa–1(b)(2)) may be provided with respect to
12 North Korea by reason of the exercise of the waiver au-
13 thority under section 301 only if the President first deter-
14 mines and certifies to the appropriate congressional com-
15 mittees that—

16 (1) all necessary steps will be taken to ensure
17 that the assistance will not be used to improve the
18 military capabilities of the armed forces of North
19 Korea; and

20 (2) the exercise of the waiver authority is in the
21 national security interests of the United States.

22 **SEC. 303. CONGRESSIONAL NOTIFICATION AND REPORT.**

23 (a) **NOTIFICATION.**—The President shall notify the
24 appropriate congressional committees in writing not later

1 than 15 days before exercising the waiver authority under
2 section 301.

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act, and annually thereafter for
5 such time during which the exercise of the waiver author-
6 ity under section 301 remains in effect, the President shall
7 transmit to the appropriate congressional committees a re-
8 port that—

9 (1) describes in detail the progress that is being
10 made in the implementation of the commitment of
11 North Korea described in section 301;

12 (2) describes in detail any failures, short-
13 comings, or obstruction by North Korea with respect
14 to the implementation of the commitment of North
15 Korea described in section 301;

16 (3) describes in detail the progress or lack
17 thereof in the preceding 12-month period of all other
18 programs promoting the elimination of North Ko-
19 rea's capability to develop, deploy, transfer, or main-
20 tain weapons of mass destruction or their delivery
21 systems; and

22 (4) beginning with the second report required
23 by this subsection, a justification for the continu-
24 ation of the waiver exercised under section 301 and,

1 if applicable, section 302, for the fiscal year in which
2 the report is submitted.

3 **SEC. 304. TERMINATION OF WAIVER AUTHORITY.**

4 Any waiver in effect by reason of the exercise of the
5 waiver authority under section 301 shall terminate if the
6 President determines that North Korea—

7 (1)(A) on or after September 19, 2005, trans-
8 ferred to a non-nuclear-weapon state, or received, a
9 nuclear explosive device; or

10 (B) on or after October 10, 2006, detonated a
11 nuclear explosive device; or

12 (2) on or after September 19, 2005—

13 (A) transferred to a non-nuclear-weapon
14 state any design information or component
15 which is determined by the President to be im-
16 portant to, and known by North Korea to be in-
17 tended by the recipient state for use in, the de-
18 velopment or manufacture of any nuclear explo-
19 sive device, or

20 (B) sought and received any design infor-
21 mation or component which is determined by
22 the President to be important to, and intended
23 by North Korea for use in, the development or
24 manufacture of any nuclear explosive device,

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unless the President determines and certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

5 SEC. 305. EXPIRATION OF WAIVER AUTHORITY.

6 Any waiver in effect by reason of the exercise of the
7 waiver authority under section 301 shall terminate on the
8 date that is 4 years after the date of the enactment of
9 this Act. The waiver authority under section 301 may not
10 be exercised beginning on the date that is 3 years after
11 the date of the enactment of this Act.

12 SEC. 306. CONTINUATION OF RESTRICTIONS AGAINST THE
13 GOVERNMENT OF NORTH KOREA.

14 (a) IN GENERAL.—Except as provided in section
15 301(a), restrictions against the Government of North
16 Korea that were imposed by reason of a determination of
17 the Secretary of State that North Korea is a state sponsor
18 of terrorism shall remain in effect, and shall not be lifted
19 pursuant to the provisions of law under which the deter-
20 mination was made, unless the President certifies to the
21 appropriate congressional committees that—

(1) the Government of North Korea is no longer engaged in the transfer of technology related to the acquisition or development of nuclear weapons, particularly to the Governments of Iran, Syria,

1 or any other country that is a state sponsor of ter-
2 rorism;

3 (2) in accordance with the Six-Party Talks
4 Agreement of February 13, 2007, the Government
5 of North Korea has “provided a complete and cor-
6 rect declaration of all its nuclear programs,” and
7 there are measures to effectively verify this declara-
8 tion by the United States which, “[a]t the request
9 of the other Parties,” is leading “disablement activi-
10 ties” and “provid[ing] the funding for those activi-
11 ties”; and

12 (3) the Government of North Korea has agreed
13 to the participation of the International Atomic En-
14 ergy Agency in the monitoring and verification of
15 the shutdown and sealing of the Yongbyon nuclear
16 facility.

17 (b) STATE SPONSOR OF TERRORISM DEFINED.—In
18 this section, the term “state sponsor of terrorism” means
19 a country the government of which the Secretary of State
20 has determined, for purposes of section 6(j) of the Export
21 Administration Act of 1979 (as continued in effect pursu-
22 ant to the International Emergency Economic Powers
23 Act), section 40 of the Arms Export Control Act, section
24 620A of the Foreign Assistance Act of 1961, or any other

1 provision of law, is a government that has repeatedly pro-
2 vided support for acts of international terrorism.

3 **SEC. 307. REPORT ON VERIFICATION MEASURES RELATING
4 TO NORTH KOREA'S NUCLEAR PROGRAMS.**

5 (a) IN GENERAL.—Not later than 15 days after the
6 date of enactment of this Act, the Secretary of State shall
7 submit to the appropriate congressional committees a re-
8 port on verification measures relating to North Korea's
9 nuclear programs under the Six-Party Talks Agreement
10 of February 13, 2007, with specific focus on how such
11 verification measures are defined under the Six-Party
12 Talks Agreement and understood by the United States
13 Government.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired under subsection (a) shall include, among other ele-
16 ments, a detailed description of—

17 (1) the methods to be utilized to confirm that
18 North Korea has “provided a complete and correct
19 declaration of all of its nuclear programs”;

20 (2) the specific actions to be taken in North
21 Korea and elsewhere to ensure a high and ongoing
22 level of confidence that North Korea has fully met
23 the terms of the Six-Party Talks Agreement relating
24 to its nuclear programs;

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9 (c) FORM.—The report required under subsection (a)
10 shall be submitted in unclassified form, but may include
11 a classified annex.

12 SEC. 308. DEFINITIONS.

13 In this title—

14 (1) the term "appropriate congressional com-
15 mittees" means—

22 (2) the terms “non-nuclear-weapon state”, “de-
23 sign information”, and “component” have the mean-
24 ings given such terms in section 102 of the Arms
25 Export Control Act (22 U.S.C. 2799aa-1); and

(3) the term “Six-Party Talks Agreement of February 13, 2007” or “Six-Party Talks Agreement” means the action plan released on February 13, 2007, of the Third Session of the Fifth Round of the Six-Party Talks held in Beijing among the People’s Republic of China, the Democratic People’s Republic of Korea (North Korea), Japan, the Republic of Korea (South Korea), the Russian Federation, and the United States relating to the denuclearization of the Korean Peninsula, normalization of relations between the North Korea and the United States, normalization of relations between North Korea and Japan, economy and energy cooperation, and matters relating to the Northeast Asia Peace and Security Mechanism.

**16 TITLE IV—MISCELLANEOUS
17 PROVISIONS**

18 SEC. 401. AUTHORITY TO BUILD THE CAPACITY OF FOR-
19 EIGN MILITARY FORCES.

20 (a) AUTHORITY.—The Secretary of State is author-
21 ized to conduct a program to respond to contingencies in
22 foreign countries or regions by providing training, pro-
23 curement, and capacity-building of a foreign country's na-
24 tional military forces and dedicated counter-terrorism
25 forces in order for that country to—

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- 1 (1) conduct counterterrorist operations; or

2 (2) participate in or support military and sta-

3 bility operations in which the United States is a par-

4 ticipant.

5 (b) TYPES OF CAPACITY-BUILDING.—The program
6 authorized under subsection (a) may include the provision
7 of equipment, supplies, and training.

8 (c) LIMITATIONS.—

1 (d) FORMULATION AND EXECUTION OF ACTIVI-
2 TIES.—The Secretary of State is authorized to coordinate
3 with the head of any other appropriate department or
4 agency in the formulation and execution of the program
5 authorized under subsection (a).

6 (e) CONGRESSIONAL NOTIFICATION.—

7 (1) ACTIVITIES IN A COUNTRY.—Not less than
8 15 days before obligating funds for activities in any
9 country under the program authorized under sub-
10 section (a), the Secretary of State shall submit to
11 the congressional committees specified in paragraph
12 (3) a notice of the following:

13 (A) The country whose capacity to engage
14 in activities in subsection (a) will be assisted.

15 (B) The budget, implementation timeline
16 with milestones, and completion date for com-
17 pleting the activities.

18 (2) SPECIFIED CONGRESSIONAL COMMIT-
19 TEES.—The congressional committees specified in
20 this paragraph are the following:

21 (A) The Committee on Foreign Affairs and
22 the Committee on Appropriations of the House
23 of Representatives.

1 (B) The Committee on Foreign Relations
2 and the Committee on Appropriations of the
3 Senate.

4 **SEC. 402. MAINTENANCE OF EUROPEAN UNION ARMS EM-**
5 **BARGO AGAINST CHINA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Congress has previously expressed its strong
9 concerns in House Resolution 57 of February 2,
10 2005, and Senate Resolution 91 of March 17, 2005,
11 with the transfer of armaments and related tech-
12 nology to the People's Republic of China by member
13 states of the European Union, which increased
14 eightfold from 2001 to 2003, and with plans to ter-
15 minate in the near future the arms embargo they
16 imposed in 1989 following the Tiananmen Square
17 massacre.

18 (2) The deferral of a decision by the European
19 Council to terminate its arms embargo following
20 adoption of the resolutions specified in paragraph
21 (1), the visit by the President of the United States
22 to Europe, and growing concern among countries in
23 the regions and the general public on both sides of
24 the Atlantic, was welcomed by the Congress.

1 (3) The decision by the European Parliament
2 on April 14, 2005, by a vote of 421 to 85, to oppose
3 the lifting of the European Union's arms embargo
4 on the People's Republic of China, and resolutions
5 issued by a number of elected parliamentary bodies
6 in Europe also opposing the lifting of the arms em-
7 bargo, was also welcomed by the Congress as a reas-
8 surance that its European friends and allies under-
9 stood the gravity of prematurely lifting the embargo.

10 (4) The onset of a strategic dialogue between
11 the European Commission and the Government of
12 the United States on the security situation in East
13 Asia holds out the hope that a greater under-
14 standing will emerge of the consequences of Euro-
15 pean assistance to the military buildup of the Peo-
16 ple's Republic of China for peace and stability in
17 that region, to the security interests of the United
18 States and its friends and allies in the region, and,
19 in particular, to the safety of United States Armed
20 Forces whose presence in the region has been a deci-
21 sive factor in ensuring peace and prosperity since
22 the end of World War II.

23 (5) A more intensive dialogue with Europe on
24 this matter will clarify for United States' friends
25 and allies in Europe how their "non-lethal" arms

1 transfers improve the force projection of the People's
2 Republic of China, are far from benign, and enhance
3 the prospects for the threat or use of force in resolv-
4 ing the status of Taiwan.

5 (6) This dialogue may result in an important
6 new consensus between the United States and its
7 European partners on the need for coordinated poli-
8 cies that encourage the development of democracy in
9 the People's Republic of China and which discour-
10 age, not assist, China's unjustified military buildup
11 and pursuit of weapons that threaten its neighbors.

12 (7) However, the statement by the President of
13 France in Beijing in November 2007 that the Euro-
14 pean Union arms embargo should be lifted is trou-
15 bling, especially since France will assume the six-
16 month presidency of the European Union in July
17 2008.

18 (8) There continues to be wide-spread concerns
19 regarding the lack of any significant progress by the
20 Government of the People's Republic of China in re-
21 specting the civil and political rights of the Chinese
22 people.

23 (b) STATEMENT OF POLICY.—It shall be the policy
24 of the United States Government to oppose any diminu-
25 tion or termination of the arms embargo that was estab-

1 lished by the Declaration of the European Council of June
2 26, 1989, and to take whatever diplomatic and other
3 measures that are appropriate to convince the Member
4 States of the European Union, individually and collec-
5 tively, to continue to observe this embargo in principle and
6 in practice. Appropriate measures should include prohibi-
7 tions on entering into defense procurement contracts or
8 defense-related research and development arrangements
9 with European Union Member States that do not observe
10 such an embargo in practice.

11 (c) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, and every six months there-
13 after until December 31, 2010, the President shall trans-
14 mit to the Committee on Foreign Affairs and Committee
15 on Armed Services of the House of Representatives and
16 the Committee on Foreign Relations and the Committee
17 on Armed Services of the Senate a report on all efforts
18 and activities of the United States Government to ensure
19 the success of the policy declared in subsection (b).

20 **SEC. 403. REIMBURSEMENT OF SALARIES OF MEMBERS OF**
21 **THE RESERVE COMPONENTS IN SUPPORT OF**
22 **SECURITY COOPERATION MISSIONS.**

23 Section 632(d) of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2392(d)) is amended—

1 (1) by striking “(d) Except as otherwise pro-
2 vided” and inserting “(d)(1) Except as otherwise
3 provided”; and

4 (2) by adding at the end the following:

5 “(2) Notwithstanding provisions concerning the ex-
6 clusion of the costs of salaries of members of the Armed
7 Forces in section 503(a) of this Act and paragraph (1)
8 of this subsection, the full cost of salaries of members of
9 the reserve components of the Armed Forces (specified in
10 section 10101 of title 10, United States Code) may, during
11 each of fiscal years 2009 and 2010, be included in calcu-
12 lating pricing or value for reimbursement charged under
13 section 503(a) of this Act and paragraph (1) of this sub-
14 section, respectively.”.

15 SEC. 404. FOREIGN MILITARY SALES STOCKPILE FUND.

16 (a) IN GENERAL.—Subsection (a) of section 51 of the
17 Arms Export Control Act (22 U.S.C. 2795) is amended—

18 (1) in paragraph (1), by striking “Special De-
19 fense Acquisition Fund” and inserting “Foreign
20 Military Sales Stockpile Fund”; and

21 (2) in paragraph (4), by inserting “building the
22 capacity of recipient countries and” before “nar-
23 cotics control purposes”.

24 (b) CONTENTS OF FUND.—Subsection (b) of such
25 section is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by inserting “and” at the
4 end; and

5 (3) by inserting after paragraph (3) the fol-
6 lowing:

7 “(4) collections from leases made pursuant to
8 section 61 of this Act.”.

9 (c) AVAILABILITY.—Subsection (c)(2) of such section
10 is amended to read as follows:

11 “(2) Amounts credited to the Fund under subsection
12 (b) shall remain available until expended.”.

13 (d) CONFORMING AMENDMENTS.—(1) The heading
14 of such section is amended by striking “SPECIAL DEFENSE
15 ACQUISITION FUND” and inserting “FOREIGN MILITARY
16 SALES STOCKPILE FUND”.

17 (2) The heading of chapter 5 of the Arms Export
18 Control Act is amended by striking “**SPECIAL DE-**
19 **FENSE ACQUISITION FUND**” and inserting
20 **“FOREIGN MILITARY SALES STOCKPILE**
21 **FUND”.**

22 **SEC. 405. CONGRESSIONAL NOTIFICATION REQUIREMENTS**
23 **UNDER THE ARMS EXPORT CONTROL ACT.**

24 The Arms Export Control Act (22 U.S.C. 2751 et
25 seq.) is amended—

1 (1) by striking “Speaker of the House of Rep-
2 resentatives and the Committee on Foreign Rela-
3 tions of the Senate” each place it appears and in-
4 serting “Committee on Foreign Affairs of the House
5 of Representatives and the Committee on Foreign
6 Relations of the Senate”;

7 (2) by striking “Speaker of the House of Rep-
8 resentatives and the Chairman of the Committee on
9 Foreign Relations of the Senate” each place it ap-
10 pears and inserting “Chairman of the Committee on
11 Foreign Affairs of the House of Representatives and
12 the Chairman of the Committee on Foreign Rela-
13 tions of the Senate”;

14 (3) by striking “Speaker of the House of Rep-
15 resentatives and to the Chairman of the Committee
16 on Foreign Relations” each place it appears and in-
17 serting “Chairman of the Committee on Foreign Af-
18 fairs of the House of Representatives and to the
19 Chairman of the Committee on Foreign Relations”;

20 (4) by striking “Speaker of the House of Rep-
21 resentatives and the Committees on Armed Services
22 and Foreign Relations of the Senate” each place it
23 appears and inserting “Committees on Foreign Af-
24 fairs and Armed Services of the House of Represent-

atives and the Committees on Foreign Relations and Armed Services of the Senate”;

(5) by striking “Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate” each place it appears and inserting “chairmen of the Committees on Foreign Affairs and Armed Services of the House of Representatives and the chairmen of the Committees on Foreign Relations and Armed Services of the Senate”; and

12 (6) by striking “Speaker of the House of Rep-
13 resentatives, and to the chairman of the Committee
14 on Foreign Relations” each place it appears and in-
15 serting “Chairman of the Committee on Foreign Af-
16 fairs of the House of Representatives and to the
17 Chairman of the Committee on Foreign Relations”
18 each place it appears.

**TITLE V—AUTHORITY TO
TRANSFER NAVAL VESSELS**

21 SEC. 501. AUTHORITY TO TRANSFER NAVAL VESSELS TO
22 CERTAIN FOREIGN RECIPIENTS.

23 (a) TRANSFERS BY GRANT.—The President is au-
24 thorized to transfer vessels to foreign countries on a grant

1 basis under section 516 of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j), as follows:

3 (1) PAKISTAN.—To the Government of Paki-
4 stan, the OLIVER HAZARD PERRY class guided
5 missile frigate MCINERNEY (FFG-8).

6 (2) GREECE.—To the Government of Greece,
7 the OSPREY class minehunter coastal ships OS-
8 PREY (MHC-51) and ROBIN (MHC-54).

9 (3) CHILE.—To the Government of Chile, the
10 KAISER class oiler ANDREW J. HIGGINS (AO-
11 190).

12 (4) PERU.—To the Government of Peru, the
13 NEWPORT class amphibious tank landing ships
14 FRESNO (LST-1182) and RACINE (LST-1191).

15 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
16 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
17 of a vessel transferred to a recipient on a grant basis pur-
18 suant to authority provided by subsection (a) shall not be
19 counted against the aggregate value of excess defense arti-
20 cles transferred in any fiscal year under section 516(g)
21 of the Foreign Assistance Act of 1961.

22 (c) COSTS OF TRANSFERS.—Any expense incurred by
23 the United States in connection with a transfer authorized
24 by this section shall be charged to the recipient.

1 (d) REPAIR AND REFURBISHMENT IN UNITED
2 STATES SHIPYARDS.—To the maximum extent prac-
3 ticable, the President shall require, as a condition of the
4 transfer of a vessel under this section, that the recipient
5 to which the vessel is transferred have such repair or re-
6 furbishment of the vessel as is needed before the vessel
7 joins the naval forces of the recipient performed at a ship-
8 yard located in the United States, including a United
9 States Navy shipyard.

10 (e) EXPIRATION OF AUTHORITY.—The authority to
11 transfer a vessel under this section shall expire at the end
12 of the 2-year period beginning on the date of the enact-
13 ment of this Act.

Chairman BERMAN. The bipartisan legislation before the committee reforms the arms export control process and modernizes certain aspects of the U.S. Security Assistance Program. Title I addresses issues relating to the reform of the Arms Export Control Process based on proposals made by Mr. Sherman and Mr. Manzullo as introduced in H.R. 4246, the Defense Trade Controls Performance Improvement Act of 2007. It also amends the Arms Export Control Act to ensure that our close allies, South Korea and Israel, get treatment similar to the NATO countries, Australia, and New Zealand, and Japan. In this regard, the bill partially draws from H.R. 5443, the United States-Republic of Korea Defense Cooperation Improvement Act of 2008, which was introduced by our colleagues Mr. Royce and Ms. Tauscher of California. In addition, in order to address recent major sales of defense articles and services to countries in the Middle East, the bill ensures that Israel can maintain its qualitative military edge and it authorizes the first year of military assistance under the recent United States-Israel memorandum of understanding regarding security assistance.

The bill also increases the ability of Congress to conduct oversight on the security assurances that the United States has provided to the Government of Israel since 1975, including any revisions that have been or will be made. I am concerned—this came up in the recent arms sale with Saudi Arabia and some of the other Gulf countries—that the assurances that are being given to the Government of Israel are not subject to rigorous compilation and review, leaving our committee unaware of the exact range of our commitments to an important ally over the years. Under the new provision, the committee will receive copies of such security assurances and any revisions, as well as a full summation every 5 years, so that we may independently assess the extent to which those assurances are being met.

And finally, Title III of this legislation provides for a limited waiver of current law to allow the United States to eliminate North Korea's nuclear program. The waiver would apply to portions of what is commonly called "The Glenn Amendment." This Glenn Amendment keeps the Department of Energy from funding its own work on disabling and dismantling North Korea's nuclear program, including removing plutonium in the next phase of this process, as well as verifying that Pyongyang is living up to its commitments. Until now, a flexible, but limited fund at the Department of State has paid for this work. Title III of our bill allows for more rational funding and planning of these activities without giving the administration a blank check. It provides a narrow carefully tailored authority. It also requires the administration to document for Congress each year the need for keeping this authority in place.

The committee will continue to keep a close eye on the implementation of the Six-Party denuclearization agreement. It is entirely possible North Korea's own actions may sour the deal. However, in the interest of U.S. and global security, I think we need to forge ahead and accomplish what we can now. Towards that end, Title III also includes a provision, authored by ranking member Ileana Ros-Lehtinen, that reinforces United States policy regarding removing North Korea from the State Department's list of countries supporting terrorism. The conditions laid out in that provision

include, that is before you can remove North Korea from the list of countries supporting terrorism, requires a certification, a presidential certification that North Korea no longer is engaged in transferring to other countries, any technology that enables the development and acquisition of nuclear weapons, not that North Korea would ever think of doing something like that. The provision also underscores the importance of keeping the agreements laid out in the Six-Party Talks and it states that North Korea must agree to allow the participation of the International Atomic Energy Agency and ensuring the Pyongyang nuclear facility is shut down and stays that way.

I urge all my colleagues to join me in supporting this important legislation and I now yield to the ranking member to explain her views on the legislation.

Ms. ROS-LEHTINEN. Mr. Chairman, thank you and your excellent staff for working so closely with me and with my terrific GOP staff on this bill, in particular for incorporating the language that you discussed regarding the ongoing Six-Party Talks and North Korea and addressing proliferation concerns related to the regime in Pyongyang and its links to other rogue nations, such as Syria. The first part clarifies the terms that North Korea must meet in order to be removed from the list of State Sponsors of Terrorism and for related sanctions to be lifted. And while it does not add new conditions, it does specify that North Korea must take certain verifiable steps, such as stopping providing nuclear assistance to countries like Syria and Iran. It also seeks to remove any ambiguity regarding North Korea's obligations to declare all of its nuclear programs, in accordance with the February 13, 2007, Six-Party agreement, not just one reactor, not just plutonium activities, but all of its nuclear programs. We should expect no less. This should facilitate greater confidence that any concessions granted that regime are in accordance with U.S. law and/or national security interests.

Given North Korea's abysmal record regarding its promises, verification of its declarations is of central importance to all Americans. For that reason, the bill now contains language that requires the submission of a report to our committee describing the measures that the United States will use to verify North Korea's declarations regarding its nuclear facilities. The report will also include a description of any formal or informal agreement and understanding that the United States and North Korea have reached regarding verification. I believe this language complements well the chairman's provisions and Title III of the bill. And, as you said last Thursday, Mr. Chairman, following the briefing on the Israeli strike of the Syrian nuclear facility built with North Korean assistance, it is important for us to insist on a verifiable enforcement mechanism to ensure that North Korea honors its commitment to stop spreading the means to create nuclear weapons and to end its nuclear program permanently.

I believe that we have a product, Mr. Chairman, that helps us achieve that end. And more broadly, Mr. Chairman, this security assistance legislation has many commendable provisions. For example, the bill strongly reaffirms and strengthens United States security assistance to our strong ally, the State of Israel. It does so by requiring an ongoing executive branch assessment of Israel's

qualitative military edge and by authorizing an increase in foreign military financing consistent with the recent United States-Israeli memorandum of military assistance. As you pointed out, it also includes the language by Mr. Sherman and Mr. Manzullo about management and process improvement and licensing of defense exports, and it also includes greater government oversight over the arms control process. I congratulate Mr. Royce and Secretary of State Rice on their upgrades of the foreign military sales status of our staunch ally, South Korea.

So, thank you, Mr. Chairman. It is a delight to work with you and your staff and thank you for affording us so many opportunities to amend the legislation. Gracias.

[The prepared statement of Ms. Ros-Lehtinen follows:]

**PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Thank you, Mr. Chairman.

I would like to thank the Chairman and his staff for working closely with me and my staff on this bill, in particular for incorporating language regarding the ongoing Six-Party Talks on North Korea and addressing proliferation concerns relating to the regime in Pyongyang and its links to other rogue regimes such as Syria.

The first part clarifies the terms that North Korea must meet to be removed from the list of state sponsors of terrorism and for related sanctions to be lifted.

While it does not add new conditions, it does specify that North Korea must take certain verifiable steps, such as ceasing to provide nuclear assistance to countries such as Syria and Iran.

It also seeks to remove any ambiguity regarding North Korea's obligations to declare all of its nuclear programs, in accordance with the February 13, 2007 Six Party Agreement.

Not just one reactor; not just plutonium activities; but all of its nuclear programs.

This should facilitate greater confidence that any concession granted that regime is in accordance with U.S. law and our national security interests.

Given North Korea's abysmal record regarding its promises, verification of its declared actions is of central importance.

For that reason, this bill now contains language that requires the State Department to submit a report to the Committee describing the measures the U.S. will use to verify North Korea's declarations regarding its nuclear facilities.

This report will include a description of any formal or informal agreements and understandings the U.S. and North Korea have reached regarding verification.

I believe this language complements well the Chairman's provisions in Title III of the bill.

As you said last Thursday, Mr. Chairman, following the briefings on the Israeli strike of the Syrian nuclear facility built with North Korean assistance:

It is important for us to insist "on a verifiable enforcement mechanism to ensure that North Korea honors its commitments to stop spreading the means to create nuclear weapons and to end its nuclear program permanently."

I believe we have a product that helps achieve this end.

More broadly, Mr. Chairman, this security assistance legislation has many commendable provisions and I will highlight just a few.

The bill strongly reaffirms and strengthens U.S. security assistance to the state of Israel.

It does so by requiring an ongoing Executive Branch assessment of Israel's *qualitative* military edge and by authorizing an *increase* in Foreign Military Financing, consistent with the recent U.S.-Israel memorandum on military assistance.

By including legislative language developed by Mr. Sherman and Mr. Manzullo, the bill also promotes long-overdue management and process improvements in the licensing of defense exports by the Department of State—thereby strengthening our national security as well as U.S. economic competitiveness.

It also significantly strengthens Congressional oversight over the arms export control process.

In addition, drawing upon an initiative led by Mr. Royce and strongly supported by Secretary of State Rice, it upgrades the Foreign Military Sales (FMS) status of our staunch ally, South Korea.

Likewise, the bill also affords the same status to our close defense relationship with Israel.

The bill also appropriately reiterates that it is the policy of the United States to oppose efforts to weaken or end the European Union's arms embargo against the oppressive regime in communist China.

In short, Mr. Chairman, this is a good bill and I am please to be the lead Republican co-sponsor.

Chairman BERMAN. Thank you for your comments, for your very nice comments. The committee and the staff did do a fabulous job of working through these issues and putting together bipartisan consensus.

I am now pleased to recognize for opening comments, before we get into any amendments that might be offered, the gentleman from California, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, Mr. Sherman of California.

Mr. SHERMAN. I thank the chairman. This legislation includes the amended text of H.R. 4246, the Defense Trade Control Improvement Act of 2007, introduced by myself and Mr. Manzullo, and it includes that text as Title I, subtitle A. I thank the chairman for including this text in the larger bill. I want to recognize Mr. Manzullo and Mr. Royce for working on this bill, which now finds itself within the larger piece of legislation.

And I want to address the importance of what is now Title I, subtitle A of the bill before us. The Defense Trade Control Improvement Act seeks to address past performance failings and under staffing in the Directorate of Defense Trade Controls, the State Department Agency responsible for adjudicating licenses with regard to commercial arms sales. This agency was found to have more than 10,000 open cases at the end of 2006. They then tried an unsustainable "winter offensive" to reduce their backlog by canceling leave, mandatory overtime, et cetera, which did bring the backlog down, but this was, as I mentioned, unsustainable.

You can compare the relevant agency of the State Department, the Directorate Defense Trade Controls with its sister agency over in the Department of Commerce. The State Department deals with export of munitions, things we know are dangerous. The Department of Commerce, Bureau of Industry Security deals with dual use items, things that might be dangerous. And, yet, the Department of Commerce agency was responsible for about one-third the number of applications and had five times the staff. That is roughly one-fifteenth the workload that we see over in the State Department. No wonder the State Department had a massive backlog.

This bill tries to beef up staffing at the DDTC, requiring by the third quarter of 2010, they have a licensing officer for every 1,250 applications. Even that is not a very large staffing level, one person dealing with 1,250 munitions license applications. The bill also requires a complete strategic review of our arms export control system, a process that has not occurred since 9/11. The strategic review will require the new President to undertake much needed top to bottom look at our export control system, to ensure that we are controlling the technologies that pose the greatest threats.

The bill codifies the new administration directive regarding the processing time for licenses with respect to the export of hardware to our allies. Our priority should be to focus on the export of American-made hardware and we try to achieve the quickest possible

processing of those license requests. In contrast, the approval of defense service exports is not subject to the licensing time frames in this bill. The reason is that they are much more complex and include approval of the transfer of technical capacity to those who are manufacturing munitions overseas. Further, of course, our focus ought to be on exporting goods, not exporting technology or exporting jobs.

On a related topic, our exports often require offsets. These are clearly a clash with the doctrine of free trade and our administration needs to work more effectively to eliminate them. The bill provides for a streamline process for approval of licenses for spare parts of items already exported and provides a blanket license that would be good for 5 years. The bill does not contain any provisions clarifying the jurisdiction with regard to civilian aircraft part licensing. Section 17C of the Export Administration Act states that standard equipment on aircraft is under the jurisdiction of the Department of Commerce. There had been concern regarding the interpretation of the section, given the fact that so many aircraft components have a military legacy, but are integral components of civilian aircraft. A clear and bright line needs to be drawn and I believe the State Department has issued a proposed rule that provides that bright line.

I see that my time has expired and I thank the gentleman.

Chairman BERMAN. The time of the gentleman has expired and a summation of a very important section of this bill. I now recognize the ranking member of the Subcommittee on Terrorism, Non-proliferation, and Trade, the gentleman from California, Mr. Royce, for purposes of debate only.

Mr. ROYCE. Thank you, Mr. Chairman, very much, and I really want to express my appreciation for working with me to include the key text elements of H.R. 5443, the United States-Republic of Korea Defense Cooperation Improvement Act of 2008. And as you have explained, this legislation upgrades South Korea's military procurement status and United States law. I think it has gained substantial bipartisan support. We have nearly half the members of this committee being co-sponsors of the legislation and recently the Secretary of State wrote the chairman and wrote the ranking member expressing strong support. So, I appreciate that.

But, Mr. Chairman, I note that this underlying legislation has a number of moving parts and that some of the elements may prove controversial in the other body. And the question I was going to ask you, Mr. Chairman, is if you could assure me that if this bill does not get active consideration in the Senate during the next several months, that you will strongly consider moving H.R. 5443 through the committee and to the other body as a standalone measure. And I yield to the chairman.

Chairman BERMAN. I thank the gentleman for yielding and I want to assure my good friend that the reason this measure has been included is the importance of the United States-South Korean relationship and the need for cooperation between our two countries. I recognize that the fate of any particular piece of legislation is hard to foretell and I will work with the gentleman on going the best way forward, if the bill before us runs into strong headwinds in the other body. The only thing I do not know is whether any

other bill will never run into strong headwinds in the other body, but we intend to find out either this way or some other way. I can assure the gentleman and yield back to him.

Mr. ROYCE. Well, I thank you, Chairman, and I yield back.

Chairman BERMAN. The gentleman's time has expired and the gentleman from Illinois, who worked with Mr. Sherman in crafting the Defense Trade Control provisions, Mr. Manzullo is recognized for purposes of debate.

Mr. MANZULLO. Thank you, Chairman Berman. I would like to take this opportunity to thank you, Mr. Chairman, for including the Sherman-Manzullo Defense Trade Controls Performance Improvement Act in this underlying legislation. I worked closely with Chairman Sherman over the past year to address our nation's unpredictable and inefficient export control system. The resulting bill was a culmination of more than 18 months spent learning about the problems facing those industries involved in defense trade. Chairman Sherman and I wanted to create a situation supported by the administration, non-proliferation groups, and industry that protects our vital national security and promotes legitimate controls. Smart technology cooperation not only strengthens our technological edge, but helps U.S. companies sell more goods and services to our allies abroad and creates American jobs.

This legislation streamlines the export process, reduces the application backlog, and allows greater scrutiny on sensitive technology. Additional funding for personnel at the State Department's Director of Defense Trade Controls, known as DDTC, and a special expedited licensing authorizing for sales to our closest friends and allies are among the bill's most significant accomplishments. I am pleased to see the State Department recently proposed a rule that would clarify the implementation of Section 17C of the Export Administration Act and clear up the jurisdictional uncertainties that have hindered the U.S. aerospace and defense industry.

Mr. Chairman, as you know, I had planned to offer an amendment to this bill regarding the Department of Commerce automated export system. Because my amendment is based on a bill that Representative Adam Smith and I introduced just 2 weeks ago, it is my understanding that the chair would like more time to review the bill and study its full ramifications. I believe this legislation will help the enforcement of U.S. export and sanctions law, will help business comply with the law. It is my further understanding that Chairman Sherman of the Terrorism, Nonproliferation, and Trade Subcommittee will hold a hearing on this issue by mid May to uphold regular order. Could the chair provide an assurance that after the hearing and after comments have been received, the administration and relevant outside groups, that you will give strong consideration to include in the underlying bill the next available committee markup, bringing it to the floor in a timely manner? I would yield to the chairman.

Chairman BERMAN. I will give you that assurance. I appreciate your cooperation. I appreciate your understanding. There was no bias whatsoever against this bill. It was just once in a while, I like to attempt—have the time to try to understand these things before we pass them. And I appreciate you cooperating in the process to how this subcommittee will—

Mr. MANZULLO. Thank you, Chairman, and I yield back.

Mr. SHERMAN. Will the gentleman yield?

Mr. MANZULLO. Of course.

Mr. SHERMAN. I want to commit myself and our subcommittee to having those hearings.

Mr. MANZULLO. Thank you. I yield back.

Chairman BERMAN. All the time of the gentleman has expired. Are there any amendments?

Ms. JACKSON LEE. Mr. Chairman, I have two amendments at the desk, which I would ask unanimous consent that they be taken en bloc.

Chairman BERMAN. Without objection, the amendments will be taken up en bloc and if the clerk would report the amendments.

Ms. RUSH. Amendment to H.R. 5916, offered by Ms. Jackson Lee of Texas in Section 103(a)(2) of the bill, add at the end the following: (f) assess the extent to which exports—

Ms. JACKSON LEE. Chairman, I ask unanimous consent that they be accepted and considered as read.

Chairman BERMAN. So ordered. The gentlelady is recognized for 5 minutes.

[The amendments referred to follow:]

AMENDMENT TO H.R. 5916

OFFERED BY MS. JACKSON-LEE OF TEXAS

In section 103(a)(2) of the bill, add at the end the following:

- 1 (F) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.



AMENDMENT TO H.R. 5916

OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of title IV of the bill, add the following:

- 1 **SEC. 406. SENSE OF CONGRESS.**
- 2 It is the sense of Congress that the United States
- 3 should not provide security assistance or arms exports to
- 4 nations contributing to massive, widespread, and system-
- 5 atic violations of human rights or acts of genocide, par-
- 6 ticularly with respect to Darfur, Sudan.



Ms. JACKSON LEE. I thank the chairman, very much. I think this is a very important step forward as it relates to America security assistance. Many of us are somewhat, if you will, restrained when we begin to think of security assistance, because many of us, of course, even though the facts are different, think of the calamity and the complexity of Iraq. But, this bill is an important policy statement on how we interact with our allies and the importance of having relationships on important security measures.

Mr. Chairman, this bill provides criteria, and I want to thank Chairman Berman and the ranking member, Ms. Ros-Lehtinen, for their leadership, as well as Mr. Sherman and Mr. Manzullo on their leadership. These amendments that I have, I believe, will add an extra measure of criteria. One is a sense of Congress that focuses on the massive widespread and systematic violations of human rights or acts of genocide and a side step four as a criteria and basis for considering whether or not this particular request for security assistance should occur.

Our additional amendment has another aspect to it, this is amendment two, that indicates that as we assess the extent under Section 103(a)(2) to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights. So, the recipient, one of the criteria should be an assessment of how they are promoting human rights.

I think this is the least we can do, Mr. Chairman. One, we should certainly be cognizant of whether or not those, who are seeking our assistance, are engaged in genocide or the massive widespread systematic violation of human rights. And then going

forward in a proactive manner, we should insist that we consider how they are promoting human rights.

Let me also say to my colleagues a question that I made an inquiry of is that if a country has had a metamorphical change, if they have been reborn, citing some of the countries in Africa, that they have a leader like Mrs. Johnson in Liberia, we will be holding past indiscretions, past acts as we go forward to providing security assistance.

So, I would ask my colleagues to consider this. And, Mr. Chairman, I also want to make note in thanking the committee in the next bill that I might not be present for, H.R. 5834, Korean Assistance, is just to thank them for the amendment that I have offered and that has been accepted on how Korea and China interact on the refugees that cross into China. But, I would ask on this bill, H.R. 5916, my colleagues' support to two amendments going forward. This gets a handle on how we issue financial assistance or export arms, as we go forward. I yield back.

Chairman BERMAN. The time of the gentlelady is expired. I recognize myself. I thank you gentlelady for her amendments. I support both of these amendments. They are before us en bloc. I understand they are acceptable to the ranking member. And unless there is additional debate, I will call for the question, all in favor, say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed?

[No response.]

Chairman BERMAN. The ayes have it. The amendment is adopted. The situation is this: We actually have a reporting requirement. We have at least one person, who wants to speak. Please, everyone, stay until after that and then we will vote on this issue and we will vote on the next bill and then we will talk about all the suspension bills. But, we will not need a reporting requirement, so you can do whatever you want, at that point. So, the gentleman from California, Mr. Rohrabacher, seeks recognition.

Mr. ROHRABACHER. Yes, I do. Thank you, very much.

Chairman BERMAN. The gentleman is recognized.

Mr. ROHRABACHER. Thank you, very much, Mr. Chairman, and I would like to thank you, as well as your staff, for taking the bull by the horns and to looking into the launching of European ITAR free satellites on Chinese Long March rockets. Just recently, we have learned that the Telesatellite Space Corporation, a European company, has removed all United States components from their satellites, not to make them better, but to get around ITAR requirements and this in order to allow them to comply with this, to let them comply, while at the same time, launching their satellites on Chinese rockets. And we have been down this road before, where people are maneuvering and trying to put themselves in a spot to take western technology and launch it on Chinese rockets, because it is such a good deal.

And in the long run, it does not turn into a good deal. The last time we did this was a decade ago and there was a dangerous transfer of technology to China. In fact, the Chinese have recently shot down a satellite using their technology and there is a lot of

reason to believe that without the help of the United States companies a decade ago, they might not have had that capability.

Congress needs to decide if we are serious about the transfer of rocket and missile technology to the Chinese and if the United States Government will conduct business as usual with companies that do extensive business with the missile and rocket divisions of the People's Liberation Army. Then, we also need to know if they are willing to do that and if we let that happen, is that a threat to our national security. I read in Space News and in the Wall Street Journal on Monday that European Telesatellite plants to launch one of its satellites on a Long March rocket. At the moment, the United States Government relies on this satellite fleet for vital communications capabilities. I would like to work with the managers of this bill to draft an amendment to this legislation that would shine some light on these satellite operators, who would do business with the China Great Wall Corporation, which is, of course, a People's Liberation Army shell company that is basically the company that owns and controls the Long March family of rockets, which, of course, is the People's Liberation Army.

Mr. Chairman, I want to thank you again for looking at this issue and this is something that is time important, because we know that the People's Republic of China is working feverishly to increase their capabilities in space in a way that will make them more, yes, more secure as a country, but it would make them stronger in terms of their international positioning. This is not in the interest of the United States to see that western technology, much of it based on research and development here in the United States, ends up being transferred to the People's Liberation Army of China in the name of saving a few bucks for launching satellites. So I thank you very much and will be looking forward to working with your staff on some language that could deal with this issue.

Chairman BERMAN. The time of the gentleman has expired. I might note simply that we are working on some important language for this bill on that very specific subject.

I now recognize the chairman of the Asia subcommittee, the gentleman from American Samoa, Mr. Faleomavaega. And everybody remember the reporting requirement.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Just briefly, I want to commend the gentleman from California, Mr. Royce, and the co-sponsorship also of Ms. Ellen Tauscher, both from California, for their sponsorship of H.R. 5443. I appreciate your acceptance of my suggestion that provisions of that bill be incorporated as part of H.R. 5916.

This inequity has been in existence for awhile for both South Korea and Israel, and I think this proposed legislation will cure that. I do appreciate your support, and also Ms. Ros-Lehtinen for making this as part of this Arms Control bill. I thank you.

Chairman BERMAN. The time of the gentleman has expired. There being a reporting quorum of 25, the chair is prepared to receive a motion; the gentleman from California, Mr. Sherman?

Mr. SHERMAN. I move the favorable recommendation of H.R. 5916, as amended, to the House.

Chairman BERMAN. The question occurs on the motion by the gentleman to report H.R. 5916, as amended, favorably to the House. All in favor, say aye.

[Chorus of ayes.]

Chairman BERMAN. All opposed, no.

[No response.]

Chairman BERMAN. The ayes have it. The motion is adopted. Without objection, the bill will be reported as a similar amendment in the nature of a substitute incorporated in the amendments adopted by the committee, and the staff is directed to make any technical confirming changes.

We have a series of non-controversial bills on the agenda, one of which needs a reporting majority. We will take that up first. That is the ranking member's bill.

It is the intention of the chair to consider these measures en bloc, and by unanimous consent authorize the chair to report certain measures to the whole House and seek consideration of the remaining bills under suspension of the rules. All members are given leave to insert remarks on the measures into the record, should they choose to do so.

[The bills referred to follow:]

110TH CONGRESS
2D SESSION

H. R. 5834

To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. INGLIS of South Carolina, and Mr. FORTUÑO) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean Human
5 Rights Reauthorization Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The North Korean Human Rights Act of
2 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)
3 (in this section referred to as “the Act”) was the
4 product of broad, bipartisan consensus in Congress
5 regarding the promotion of human rights, trans-
6 parency in the delivery of humanitarian assistance,
7 and refugee protection.

8 (2) In addition to the longstanding commitment
9 of the United States to refugee and human rights
10 advocacy, the United States is home to the largest
11 Korean population outside of northeast Asia, and
12 many in the two-million strong Korean-American
13 community have family ties to North Korea.

14 (3) Human rights and humanitarian conditions
15 inside North Korea are deplorable, North Korean
16 refugees remain acutely vulnerable, and the findings
17 in section 3 of the Act remain accurate today.

18 (4) The Government of China is conducting an
19 increasingly aggressive campaign to locate and force-
20 ibly return border-crossers to North Korea, where
21 they routinely face torture and imprisonment, and
22 sometimes execution. According to recent reports,
23 the Chinese Government is shutting down Christian
24 churches and imprisoning people who help North
25 Korean defectors, and has increased the bounty paid

1 for turning in a North Korean refugee by a factor
2 of sixteen, to an amount roughly equivalent to the
3 average annual income in China.

4 (5) In an attempt to deter escape attempts, the
5 Government of North Korea has reportedly stepped
6 up its public execution of border-crossers and those
7 who help others cross into China, including the Feb-
8 ruary 20, 2008, shooting of 13 women and 2 men
9 in Onsung County, and the March 30, 2008, execu-
10 tion of three residents in Hyesan. As is commonly
11 the case, employees and residents of nearby institu-
12 tions, enterprises, and neighborhoods were required
13 to attend and observe those killings.

14 (6) In spite of the requirement of the Act that
15 the Special Envoy on Human Rights in North Korea
16 (the “Special Envoy”) report to the Congress no
17 later than April 16, 2005, a Special Envoy was not
18 appointed until August 19, 2005, more than four
19 months after the reporting deadline.

20 (7) The Special Envoy appointed by the Presi-
21 dent has filled that position on a part-time basis
22 only.

23 (8) On February 21, 2006, a bipartisan group
24 of senior Members of the House and Senate wrote
25 Secretary of State Condoleezza Rice “to express

1 [their] deep concern for the lack of progress in funding and implementing the key provisions of the
2 North Korean Human Rights Act”, particularly the
3 lack of North Korean refugee admissions to the
4 United States.

6 (9) Although the United States refugee resettlement program remains the largest in the world by
7 far, the United States has resettled only 37 North
8 Koreans in the period from 2004 through 2007.

10 (10) From the end of 2004 through 2007, the
11 Republic of Korea resettled 5,961 North Koreans.

12 (11) Extensive delays in assessment and processing at overseas posts have led numerous North
13 Korean refugees to abandon their quest for United
14 States resettlement, and long waits (of more than a
15 year in some cases) have been the source of considerable discouragement and frustration among refugees,
16 many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure.

21 (12) From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.

1 SEC. 3. SENSE OF CONGRESS.

2 It is the sense of Congress that—

3 (1) the United States should make it a priority
4 to seek broader permission and greater cooperation
5 from foreign governments to allow the United States
6 to process North Korean refugees overseas for resettle-
7 ment in the United States, through persistent di-
8 plomacy by senior officials of the United States, in-
9 cluding United States ambassadors to Asia-Pacific
10 nations;

11 (2) at the same time that careful screening of
12 intending refugees is important, the United States
13 also should make every effort to ensure that its
14 screening, processing, and resettlement of North Ko-
15 rean refugees are as efficient and expeditious as pos-
16 sible;

17 (3) the Special Envoy for North Korean
18 Human Rights Issues should be a full-time position
19 within the Department of State in order to properly
20 promote and coordinate North Korean human
21 rights, humanitarian, and refugee issues, as in-
22 tended by the North Korean Human Rights Act of
23 2004 (Public Law 108-333; 22 U.S.C. 7801 et
24 seq.); and

25 (4) in an effort to more efficiently and actively
26 participate in humanitarian burden-sharing, the

1 United States should approach our ally, the Republic
2 of Korea, to revisit and explore new opportunities
3 for coordinating efforts to screen and resettle North
4 Koreans who have expressed a wish to pursue reset-
5 lement in the United States and have not yet
6 availed themselves of any right to citizenship they
7 may enjoy under the Constitution of the Republic of
8 Korea.

9 **SEC. 4. DEFINITIONS.**

10 Section 5(1)(A) of the North Korean Human Rights
11 Act of 2004 (Public Law 108–333; 22 U.S.C. 7803(1)(A))
12 is amended by striking “International Relations” and in-
13 serting “Foreign Affairs”.

14 **SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**

15 **PROGRAMS.**

16 Section 102(b)(1) of the North Korean Human
17 Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended
18 by inserting after “2008” the following: “and \$4,000,000
19 for each of fiscal years 2009 through 2012”.

20 **SEC. 6. RADIO BROADCASTING TO NORTH KOREA.**

21 Not later than 120 days after the date of the enact-
22 ment of this Act, the Broadcasting Board of Governors
23 (BBG) shall submit to the appropriate congressional com-
24 mittees, as defined in section 5(1) of the North Korean
25 Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report

1 that describes the status and content of current United
2 States broadcasting to North Korea and the extent to
3 which the BBG has achieved the goal of 12-hour-per-day
4 broadcasting to North Korea pursuant to section 103 of
5 such Act (22 U.S.C. 7813).

6 **SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**
7 **TION.**

8 Section 104 of the North Korean Human Rights Act
9 of 2004 (22 U.S.C. 7814) is amended—

- 10 (1) in subsection (b)(1), by striking “2008”
11 and inserting “2012”; and
12 (2) in subsection (c), by striking “in each of the
13 three years thereafter” and inserting “annually
14 through 2012”.

15 **SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN**
16 **RIGHTS ISSUES.**

17 Section 107 of the North Korean Human Rights Act
18 of 2004 (22 U.S.C. 7817) is amended—

- 19 (1) in the section heading, by striking “**HUMAN**
20 **RIGHTS IN NORTH KOREA” and inserting
21 “**NORTH KOREAN HUMAN RIGHTS ISSUES”;**
22 (2) in subsection (a)—
23 (A) in the first sentence—**

12 (3) in subsection (b), by inserting before the pe-
13 riod at the end the following: “, including the protec-
14 tion of those people who have fled as refugees”;

15 (4) in subsection (c)—

23 (C) in paragraph (5), as so redesignated,
24 by striking “section 102” and inserting “sec-
25 tions 102 and 104”; and

1 (5) in subsection (d), by striking “for the sub-
2 sequent 5 year-period” and inserting “thereafter
3 through 2012”.

4 **SEC. 9. REPORT ON UNITED STATES HUMANITARIAN AS-**
5 **SISTANCE.**

6 Section 201(a) of the North Korean Human Rights
7 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-
8 ter preceding paragraph (1), by striking “in each of the
9 2 years thereafter” and inserting “annually thereafter
10 through 2012”.

11 **SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
12 **KOREA.**

13 Section 203(c)(1) of the North Korean Human
14 Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended
15 by striking “2008” and inserting “2012”.

16 **SEC. 11. ANNUAL REPORTS.**

17 Section 305(a) of the North Korean Human Rights
18 Act of 2004 (22 U.S.C. 7845(a)) is amended—

19 (1) in the subsection heading, by inserting
20 “AND REFUGEE” before “INFORMATION”;
21 (2) in the matter preceding paragraph (1)—
22 (A) by striking “for each of the following
23 5 years” and inserting “through 2012”; and

1 (B) by striking “which shall include—”
2 and inserting “which shall include the fol-
3 lowing:”;
4 (3) in paragraph (1)—
5 (A) by striking “the number of aliens” and
6 inserting “The number of aliens”; and
7 (B) by striking “; and” at the end and in-
8 serting a period;
9 (4) in paragraph (2), by striking “the number
10 of aliens” and inserting “The number of aliens”;
11 and
12 (5) by adding at the end the following new
13 paragraphs:
14 “(3) The number of aliens who are nationals or
15 citizens of North Korea who contacted United States
16 personnel overseas and expressed an interest in pur-
17 suing resettlement in the United States, irrespective
18 of whether such aliens pursued the resettlement
19 process to its conclusion.
20 “(4) A detailed description of the measures un-
21 dertaken by the Secretary of State to carry out sec-
22 tion 303, including country-specific information with
23 respect to United States efforts to secure the co-
24 operation and permission of the governments of
25 countries in East and Southeast Asia to facilitate

1 United States processing of North Koreans seeking
2 protection as refugees. The information required
3 under this paragraph may be provided in a classified
4 format, if necessary.”.

○

AMENDMENT TO H.R. 5834
OFFERED BY MS. JACKSON-LEE OF TEXAS

In section 3(3), strike “and” at the end.

In section 3(4), strike the period at the end and insert “; and”.

In section 3, add at the end the following new paragraph:

- 1 (5) because there are genuine refugees among
- 2 North Koreans fleeing into China who face severe
- 3 punishments upon their forcible return, the United
- 4 States should urge the Government of China to—
 - 5 (A) immediately halt its forcible repatri-
 - 6 ation of North Koreans;
 - 7 (B) fulfill its obligations pursuant to the
 - 8 1951 United Nations Convention Relating to
 - 9 the Status of Refugees, the 1967 Protocol Re-
 - 10 lating to the Status of Refugees, and the 1995
 - 11 Agreement on the Upgrading of the UNHCR
 - 12 Mission in the People’s Republic of China to
 - 13 UNHCR Branch Office in the People’s Repub-
 - 14 lic of China; and

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.



110TH CONGRESS
1ST SESSION **H. R. 3658**

To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. FORTUÑO (for himself, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INCLUSION OF UNITED STATES TERRITORIES**
4 **AS ELIGIBLE FOR REST AND RECUPERATION**
5 **TRAVEL FOR MEMBERS OF THE FOREIGN**
6 **SERVICE.**

7 The Foreign Service Act of 1980 is amended—

8 (1) in section 901(6)(B) (22 U.S.C.
9 4081(6)(B)), by inserting after “United States” the

1 following: “or its territories, including American
2 Samoa, the Commonwealth of Puerto Rico, Guam,
3 the Commonwealth of the Northern Mariana Is-
4 lands, and the United States Virgin Islands”; and

5 (2) in section 903(b) (22 U.S.C. 4083(b)), by
6 striking “, its territories and possessions, or the
7 Commonwealth of Puerto Rico” and inserting “or its
8 territories, including American Samoa, the Common-
9 wealth of Puerto Rico, Guam, the Commonwealth of
10 the Northern Mariana Islands, and the United
11 States Virgin Islands”.

○

110TH CONGRESS
2D SESSION **H. RES. 1011**

Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2008

Mr. WOLF (for himself and Mr. PAYNE) submitted the following resolution;
which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan.

Whereas since independence in 1960, Chad's political life has been afflicted by a series of internal conflicts and civil wars;

Whereas Chad has held several legislative and presidential multiparty elections since 1996, although the Department of State reported that the elections were “orderly, but seriously flawed”;

Whereas human rights groups and the most recent Department of State Country Reports on Human Rights Practices stated that “the [Chadian] government’s poor human rights record deteriorated further”;

Whereas the genocide in Darfur, Sudan, continues to affect neighboring countries, especially Chad;

Whereas the United Nations estimates there are more than 240,000 refugees from Darfur and 52,000 refugees from the Central African Republic, and more than 180,000 Chadians have been displaced from their homes;

Whereas more than 12,000 new refugees from Darfur arrived in Chad in February 2008 due to increasing attacks against civilians by government forces;

Whereas the Government of Chad has provided important support to the many refugees from Darfur and the Central African Republic in Chad, despite serious economic and political difficulties;

Whereas the United States considers the Government of Chad an important ally in the war against terrorism;

Whereas a December 2007 report by the United Nations Secretary General stated that “the security situation in eastern Chad has remained volatile and unpredictable [and t]he renewed violence has put the civilian population living in the area at increased risk and will further impede the work of the humanitarian community”;

Whereas an armed rebellion organized and supported by the Government of Sudan has led to a serious humanitarian crisis and political instability in Chad;

Whereas on September 25, 2007, the United Nations Security Council passed Security Council Resolution 1778, authorizing a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure, and sustainable return of internally displaced persons and refugees by contributing to their protection, both by facilitating the provision of humanitarian assistance in eastern Chad and the northern region of the Central African Republic and by creating favorable conditions for the reconstruction and economic and social development of those areas;

Whereas on October 15 and 16, 2007, the Council of the European Union agreed to deploy the military component of the multidimensional presence in the Central African Republic and Chad for a period of 1 year from the date that its initial operational capability is declared;

Whereas in late February, the United Nations reported that the European Union Force began deployment to Chad and that an estimated 400 personnel have been deployed as of late February 2008;

Whereas in early February 2008, Chadian rebels armed and supported by the Sudanese Government's armed forces launched a major offensive in Chad's capital, N'Djamena, to overthrow the Government of President Idriss Déby and to install a proxy government in Chad;

Whereas in late 2007, the Government of Sudan gathered several Chadian armed groups in Khartoum in order to

bring the armed factions under one coalition for the February 2008 offensive;

Whereas the United States, the European Union, and the African Union condemn the fighting in Chad and the foreign support for the rebellion; and

Whereas the Department of State press release condemned “the attempt by armed rebels entering from outside the country to seize power extra-constitutionally in Chad”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses concern about the safety and well-being of innocent civilians in Chad, and the refugees from Darfur and the Central African Republic;

5 (2) strongly condemns Sudanese President Omar al-Bashir and the National Congress Party for their support of the armed rebellion and aggressive behavior in Chad and throughout the region;

9 (3) calls on parties to seek a negotiated settlement;

11 (4) urges the Government of Chad to—

12 (A) engage in an inclusive national dialogue with all stakeholders of the current conflict to reach a comprehensive agreement that would address the root causes of the Chadian crisis and strengthen democratic institutions;

17 (B) protect its civilians from violence and respect and enforce the rule of law in accord-

1 ance with international norms and standards;
2 and

3 (C) honor its May 9, 2007, agreement with
4 the United Nations Children's Fund, ensuring
5 its commitment to end all recruitment of per-
6 sons under the age of 18 and demobilize all
7 children under the age of 18 from its security
8 forces;

9 (5) urges the Government of the Central Afri-
10 can Republic to—

11 (A) fulfill its obligation under international
12 law to protect civilians; and

13 (B) engage in constructive and inclusive
14 dialogue with opposition and armed groups;

15 (6) calls on armed opposition groups to—

16 (A) renounce violence and respect the rule
17 of law;

18 (B) engage in political dialogue to resolve
19 the current crisis in their respective countries;
20 and

21 (C) immediately end cooperation with the
22 Government of Sudan and others that encour-
23 age and support armed rebellion;

24 (7) urges the United Nations Security Council
25 to remain focused on the crises in Chad and the

1 Central African Republic, and to ensure the effective
2 and impartial protection of civilians, including inter-
3 nally displaced persons and refugees, particularly
4 local populations, by preempting, preventing, and de-
5 terring attacks on civilians; and

6 (8) calls on the President to—

7 (A) continue United States humanitarian
8 assistance to the refugees and internally dis-
9 placed persons in Chad and the Central African
10 Republic;

11 (B) provide support to strengthen demo-
12 cratic institutions and respect for human rights
13 and rule of law; and

14 (C) seek punitive measures against the
15 Government of Sudan by the United Nations
16 Security Council for its aggression and destruc-
17 tive activities in Chad and the region.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE**TO H. RES. 1011****OFFERED BY MR. BERMAN OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas since independence in 1960, Chad's political life has been afflicted by a series of internal conflicts and civil wars as well as conflicts with its neighbors;

Whereas Chad has held several legislative and presidential multiparty elections since 1996, although the Department of State reported that the elections were "orderly, but seriously flawed";

Whereas human rights groups and the most recent Department of State Country Reports on Human Rights Practices stated that "the [Chadian] government's poor human rights record deteriorated further";

Whereas the genocide in Darfur, Sudan, continues to affect neighboring countries, especially Chad;

Whereas the United Nations estimates there are more than 240,000 refugees from Darfur and 52,000 refugees from the Central African Republic in Chad, and more than 180,000 Chadians have been displaced from their homes;

Whereas more than 12,000 new refugees from Darfur arrived in Chad in February 2008 due to increasing attacks against civilians by Sudanese Government forces, even as 30,000 Chadians were forced to flee the N'Djamena area to seek refuge in Cameroon;

Whereas the Government of Chad has provided important support to the many refugees from Darfur and the Central African Republic in Chad, despite serious economic and political difficulties;

Whereas the United States considers the Government of Chad an important ally in the war against terrorism;

Whereas a December 2007 report by the United Nations Secretary General stated that “the security situation in eastern Chad has remained volatile and unpredictable [and t]he renewed violence has put the civilian population living in the area at increased risk and will further impede the work of the humanitarian community”;

Whereas an armed rebellion in Chad, supported by the Government of Sudan, has led to a serious humanitarian crisis and political instability in Chad;

Whereas on September 25, 2007, the United Nations Security Council passed Security Council Resolution 1778, authorizing a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure, and sustainable return of internally displaced persons and refugees by contributing to their protection, both by facilitating the provision of humanitarian assistance in eastern Chad and the northern region of the Central African Republic and by creating favorable conditions for the reconstruction and economic and social development of those areas;

Whereas on October 15 and 16, 2007, the Council of the European Union agreed to deploy the military component of the multidimensional presence in the Central African Republic and Chad for a period of 1 year from the date that its initial operational capability is declared;

Whereas in late February, the United Nations reported that the European Union Force began deployment to Chad and that an estimated 400 personnel have been deployed as of late February 2008;

Whereas in early February 2008, Chadian rebels armed and supported by the Sudanese Government's armed forces launched a major offensive in Chad's capital, N'Djamena, to overthrow the government of President Idriss Deby Itno;

Whereas in late 2007, the Government of Sudan reportedly gathered several Chadian armed groups in Khartoum in order to bring the armed factions under one coalition for the February 2008 offensive;

Whereas the United States, the European Union, and the African Union condemn the fighting in Chad and the foreign support for the rebellion; and

Whereas the Department of State press release condemned "the attempt by armed rebels entering from outside the country to seize power extra-constitutionally in Chad": Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 That the House of Representatives—
 - 2 (1) expresses concern about the safety and well-being of innocent civilians in Chad, Chadian refugees and Internally Displaced Persons (IDPs), and
 - 3 refugees from Darfur and the Central African Republic that have taken refuge in Chad;
 - 4
 - 5
 - 6

1 (2) strongly condemns Sudanese President
2 Omar al-Bashir and the National Congress Party for
3 their support of the armed rebellion and aggressive
4 behavior in Chad and throughout the region;

5 (3) calls on parties to seek a negotiated settle-
6 ment;

7 (4) urges the Government of Chad to—

8 (A) engage in an inclusive national dia-
9 logue with all stakeholders of the current con-
10 flict to reach a comprehensive agreement that
11 would address the root causes of the Chadian
12 crisis and strengthen democratic institutions;

13 (B) protect its civilians from violence and
14 respect and enforce the rule of law in accord-
15 ance with international norms and standards;
16 and

17 (C) honor its May 9, 2007, agreement with
18 the United Nations Children's Fund, ensuring
19 its commitment to end all recruitment of per-
20 sons under the age of 18 and demobilize all
21 children under the age of 18 from its security
22 forces;

23 (5) urges the Government of the Central Afri-
24 can Republic to—

- 1 (A) fulfill its obligation under international
2 law to protect civilians; and
3 (B) engage in constructive and inclusive
4 dialogue with opposition and armed groups;
5 (6) calls on armed opposition groups to—
6 (A) renounce violence and respect the rule
7 of law;
8 (B) engage in political dialogue to resolve
9 the current crisis in their respective countries;
10 and
11 (C) immediately end cooperation with the
12 Government of Sudan and others that encour-
13 age and support armed rebellion;
14 (7) urges the United Nations Security Council
15 to remain focused on the crises in Chad and the
16 Central African Republic, and to ensure the effective
17 and impartial protection of civilians, including inter-
18 nally displaced persons and refugees, particularly
19 local populations, by preempting, preventing, and de-
20 terring attacks on civilians; and
21 (8) calls on the President to—
22 (A) continue United States humanitarian
23 assistance to the refugees and internally dis-
24 placed persons in Chad and the Central African
25 Republic;

1 (B) provide support to strengthen demo-
2 cratic institutions and respect for human rights
3 and rule of law; and

4 (C) seek punitive measures against the
5 Government of Sudan by the United Nations
6 Security Council for its aggression and destruc-
7 tive activities in Chad and the region.



110TH CONGRESS
2D SESSION **H. RES. 1063**

Marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2008

Mr. WU (for himself, Mr. PETRI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GALLEGLY, and Mr. CHANDLER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland.

Whereas the United States will celebrate this year the 225th anniversary of its relationship with the United Kingdom of Great Britain and Northern Ireland since the September 3, 1783 signing of the Treaty of Paris, which formally ended the American Revolutionary War between

the Kingdom of Great Britain and the United States of America;

Whereas both the United Kingdom and the United States are free and democratic nations with a common commitment to human rights and the rule of law;

Whereas the United Kingdom is a major ally of the United States and 2008 marks the 50th anniversary of the US-UK Mutual Defense Agreement that was signed in Washington, DC, on July 3, 1958, and renewed in Washington, DC, on June 14, 2004;

Whereas both the United Kingdom and the United States are founding members of the North Atlantic Treaty Organization (NATO), having been party to the North Atlantic Treaty signed in Washington, DC, on April 4, 1949;

Whereas the United Kingdom is a major partner in the worldwide fight against terrorism, supporting the United States in many key armed struggles;

Whereas the United Kingdom is the second largest contributor to the multinational force in Iraq;

Whereas the United Kingdom plays a significant role in the military effort to bring lasting stability to Afghanistan and is the second largest contributor to NATO's International Security Assistance Force;

Whereas the United Kingdom and the United States share a steadfast alliance and a long tradition of opposing extremism, which included fighting the forces of nazism and communism in the 20th century;

Whereas the United Kingdom is the sixth largest trading partner of the United States, and the United States is the largest trading partner of the United Kingdom;

Whereas the United States and the United Kingdom share the world's largest foreign direct investment partnership, with American investment sustaining over a million jobs in the United Kingdom and British investment sustaining over a million jobs in the United States;

Whereas approximately 675,000 British citizens reside in the United States, and 155,000 Americans reside in the United Kingdom, with both communities contributing to the fabric of life in their host countries;

Whereas approximately 8,400 British students are currently studying at universities in the United States, and 32,000 American students are studying at universities in the United Kingdom; and

Whereas the relationship between the United States and the United Kingdom is one of unity and strength, and has been proven to be of mutual benefit: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) marks the 225th anniversary of relations
3 between the United States and the Kingdom of
4 Great Britain;

5 (2) recognizes that the Kingdom of Great Britain's recognition of the United States was an important event in the history of the Nation;

8 (3) reaffirms the value of the deep friendship
9 that has developed between our two Countries since
10 the signing of the Treaty of Paris; and

1 (4) looks forward to a continued and strength-
2 ened relationship between the British and American
3 people.

○

110TH CONGRESS
2D SESSION **H. RES. 1109**

Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Mr. Sires submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe.

Whereas Dith Pran was born on September 23, 1942, in Siem Reap, Cambodia, a provincial town near the ancient temples at Angkor Wat;

Whereas Mr. Dith, a photojournalist and human rights advocate, became the face of the atrocities in Cambodia carried out by the Khmer Rouge;

Whereas Mr. Dith learned French and English in school and became a translator of Khmer for the United States Armed Forces and visiting film crews while he worked as

a receptionist at a hotel near Angkor Wat prior to the escalation of the Vietnam War;

Whereas, during much of the early 1970s, Mr. Dith was a guide, interpreter, and friend of Sydney H. Schanberg of the New York Times;

Whereas the friendship and partnership between Mr. Dith and Mr. Schanberg became the basis for the 1984 film, "The Killing Fields", which showed the brutality perpetrated by the Khmer Rouge from 1975 to 1979 under Pol Pot;

Whereas nearly 2,000,000 Cambodians died from 1975 to 1979 at the hands of the Khmer Rouge;

Whereas Mr. Dith saved Mr. Schanberg and other Western journalists from being executed by persuading Khmer Rouge soldiers that they were journalists sympathetic to the Khmer Rouge cause;

Whereas Mr. Dith's wife and children were able to leave Cambodia for the United States through Mr. Schanberg's connections, but Mr. Dith was unable to obtain a passport or visa to leave the country;

Whereas, for four years, Mr. Dith disguised himself as a peasant, worked in rice fields, and endured regular beatings and harsh labor while living on a diet of a tablespoon of rice a day because the Khmer Rouge would often kill anyone who appeared educated or even wore glasses;

Whereas, in November 1978, Mr. Dith returned to his home of Siem Reap, and discovered that 50 members of his family had been killed;

Whereas Mr. Dith fled 60 miles to the border of Thailand and arrived, on October 3, 1979, where Mr. Schanberg flew to greet him;

Whereas Mr. Dith had an emotional reunion with his wife, Ser Moeun Dith, and their four children when he arrived in San Francisco;

Whereas Mr. Dith moved to New York, New York, and was hired in 1980 as a photographer for The New York Times;

Whereas Mr. Dith was a tireless activist speaking out about the Cambodian genocide and once stating, “I’m a one person crusade”;

Whereas soon after the release of the film “The Killing Fields”, Mr. Dith became a United States citizen and a goodwill ambassador for the United Nations High Commissioner for Refugees;

Whereas, in 1994, Mr. Dith worked to help pass the Cambodian Genocide Justice Act of 1994, sponsored by former Senator Charles Robb of Virginia, which established an Office of Cambodian Genocide Investigations at the Department of State;

Whereas, on March 30, 2008, Mr. Dith, a resident of Woodbridge, New Jersey, passed away at the age of 65;

Whereas the Dith Pran Holocaust Awareness Project was established to create awareness about the Cambodian genocide; Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) honors the life and legacy of Mr. Dith for

3 his commitment to raising awareness about the

1 atrocities that took place under the Khmer Rouge in
2 Cambodia;

3 (2) recognizes his courage and his endless pur-
4 suit for justice for the victims of the Cambodian
5 genocide and all peoples around the world who have
6 been victims of genocide; and

7 (3) honors the memory of Mr. Dith by remem-
8 bering his life's work and continuing to acknowledge
9 and remember the victims of genocides that have
10 taken place around the world.



110TH CONGRESS
2D SESSION **H. RES. 1127**

Condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2008

Mr. ACKERMAN (for himself, Mr. PENCE, Mr. FORTUÑO, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. ENGEL, and Mr. POE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press.

Whereas a free press and the right of free expression are both fundamental, universal human rights and are essential to making governments accountable to the people from whom their powers are derived;

Whereas the nations of the Middle East, with Israel being the sole exception, suffer profound deficits when compared to the global community with regard to both measures of

human development and measures of human freedom and dignity;

Whereas the Middle East is a region of vital national security interest to the United States and the twin deficits in human freedom and human development negatively affect United States efforts to resolve the Arab-Israeli conflict and to stabilize the region for the benefit of all;

Whereas overt censorship, intimidation, harassment through the civil courts, assaults by government agents on journalists and political activists, arbitrary press, and emergency laws, and extra-legal restrictions on the kinds of topics which may be addressed are endemic practices in the Middle East, though in varying in degree and extent in the different Arab countries;

Whereas many of the countries engaged most actively in efforts to stifle public debate, suppress political discussion, and impose capricious limits on thought and expression are among the largest recipients of United States foreign assistance, potentially giving the mistaken impression that the United States endorses or condones the restrictive policies of the recipient countries;

Whereas the extensive restrictions on speech and expression in the Arab world are uniquely counterposed by the space left open by Arab governments for grotesque anti-Semitism, Holocaust denial, incitement to violence, and glorification of terrorism;

Whereas the exception from censorship and restrictions on expression for certain kinds of hate speech are not only exploited by government proxies, but often even by Arab governments themselves, including states that nominally prohibit racial, religious, or ethnic hate speech;

Whereas in the Middle East, where the press is generally not free, where there are rules for what can and cannot be said, the persistent promulgation of hate-speech indicates an obvious and dangerous form of state endorsement; and

Whereas many of the same Arab governments to which the United States has turned for assistance in ending the Israeli-Palestinian conflict, are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to promulgate stories of imaginary Israeli massacres, Jewish blood-libels, alleged Israeli medical experiments on Palestinian children, and to produce Arabic translations of anti-Semitic tracts such as, The Protocols of the Elders of Zion and Mein Kampf: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) strongly condemns the endemic restrictions
3 on freedom of the press and expression in the Arab
4 world and the concurrent and widespread presence
5 of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press;

7 (2) deplores the methods and practices utilized
8 by the governments in the Middle East to exert control over the press, and on public expression,
9 including—

11 (A) overt censorship;
12 (B) intimidation and harassment of reporters, editors, and publishers by government

1 agents, and through manipulation of the civil
2 courts;

3 (C) assaults by government agents on jour-
4 nalists and political activists;

5 (D) arbitrarily enforced press and emer-
6 gency laws; and

7 (E) extra-legal restrictions on the kinds of
8 topics which may be addressed either in public
9 or in private;

10 (3) expresses deep concern that many of the
11 same Arab governments to which United States has
12 turned for assistance in ending the Israeli-Pales-
13 tinian conflict, are themselves responsible for using
14 their government-owned, government-sanctioned, or
15 government-controlled publishing houses and media
16 to promulgate insidious, incendiary and poisonous
17 speech regarding Israel and the Jewish people that
18 makes United States efforts to help resolve the
19 Arab-Israeli conflict all the more difficult;

20 (4) affirms the unshakeable belief of the Amer-
21 ican people in the universal right of all persons to
22 freely and peaceably express themselves, to publish
23 and advocate for their nonviolent beliefs, and to peti-
24 tion their government for redress of their grievances;
25 and

1 (5) calls on the President, the Secretary of
2 State, and all United States ambassadors to Arab
3 countries to consistently protest the lack of freedom
4 of thought and expression, and to advocate for the
5 importance of free speech and a free press as essen-
6 tial components of development and political reform.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 1127
OFFERED BY MR. ACKERMAN OF NEW YORK**

Strike the preamble and insert the following:

Whereas a free press and the right of free expression are both fundamental, universal human rights and are essential to making governments accountable to the people from whom their powers are derived;

Whereas the nations of the Middle East, with Israel being the sole exception, suffer profound deficits when compared to the global community with regard to both measures of human development and measures of human freedom and dignity;

Whereas the Middle East is a region of vital national security interest to the United States and the twin deficits in human development and human freedom negatively affect United States efforts to help resolve the Arab-Israeli conflict and to stabilize the region for the benefit of all;

Whereas overt censorship, intimidation, harassment through the civil courts, assaults by government agents on journalists and political activists, arbitrary press, and emergency laws, and extra-legal restrictions on the kinds of topics which may be addressed are endemic practices in the Middle East, though in varying in degree and extent in the different Arab countries;

Whereas many of the countries engaged most actively in efforts to stifle public debate, suppress political discussion,

and impose capricious limits on thought and expression are among the largest recipients of United States foreign assistance, potentially giving the mistaken impression that the United States endorses or condones the restrictive policies of the recipient countries;

Whereas Holocaust denial regularly appears throughout the Middle East in speeches and pronouncements by public figures, in articles and columns by journalists and in the resolutions of professional organizations;

Whereas continued anti-Semitic incitement invites violent action and creates an environment conducive to, and accepting of, terrorism;

Whereas the extensive restrictions on speech and expression in the Arab world are uniquely counterposed by the space left open by Arab governments for grotesque anti-Semitism, Holocaust denial, incitement to violence, and glorification of terrorism;

Whereas the exception from censorship and restrictions on expression for certain kinds of hate speech are not only exploited by government proxies, but often even by Arab governments themselves, including states that nominally prohibit racial, religious, or ethnic hate speech;

Whereas in the Middle East, where the press is generally not free, where there are rules for what can and cannot be said, the persistent promulgation of hate-speech indicates an obvious and dangerous form of state endorsement;

Whereas numerous government-owned, government-sanctioned, or government-controlled publishing houses throughout the region promulgate stories of imaginary Israeli massacres, Jewish blood libels, alleged Israeli medical experiments on Palestinian children, and to produce

Arabic translations of anti-Semitic tracts such as “The Protocols of the Elders of Zion” and “Mein Kampf”; and Whereas many of the same Arab governments to which the United States has turned for assistance in ending the Arab-Israeli conflict are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to engage in anti-Semitic incitement to violence and Holocaust denial: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

- 1 (1) strongly condemns the endemic restrictions
- 2 on freedom of the press and expression in the Arab
- 3 world and the concurrent and widespread presence
- 4 of anti-Semitic material, Holocaust denial, and in-
- 5 citement to violence in the Arab media and press;
- 6 (2) deplores the methods and practices utilized
- 7 by the governments in the Middle East to exert con-
- 8 trol over the press, and on public expression,
- 9 including—
 - 10 (A) overt censorship;
 - 11 (B) intimidation and harassment of report-
 - 12 ers, editors, and publishers by government
 - 13 agents, and through manipulation of the civil
 - 14 courts;

(C) assaults by government agents on journalists and political activists;

5 (E) extra-legal restrictions on the kinds of
6 topics which may be addressed either in public
7 or in private;

24 (5) calls on the President to—

- 1 (A) raise the issue of the lack of media
2 freedom in the Middle East and the prolifera-
3 tion of anti-Semitic incitement in all appro-
4 priate bilateral and multilateral fora;
- 5 (B) take into account the compliance of
6 governments throughout the region with inter-
7 national norms and obligations regarding media
8 freedom and anti-Semitic incitement when de-
9 termining the provision of United States assist-
10 ance to those governments; and
- 11 (C) utilize the existing public diplomacy
12 apparatus, professional development and democ-
13 ratization programs to focus on the issues of
14 media freedom and anti-Semitic incitement; and
- 15 (6) calls on United States allies and govern-
16 ments throughout the Middle East to publicly repu-
17 diate purveyors of anti-Semitic incitement.

Amend the title so as to read: “A resolution con-
demning the endemic restrictions on freedom of the press
and media and public expression in the Middle East and
the concurrent and widespread presence of anti-Semitic
incitement to violence and Holocaust denial in the Arab
media and press”.



(Original Signature of Member)

110TH CONGRESS
2D SESSION**H. RES. 1166**

Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

IN THE HOUSE OF REPRESENTATIVES

Mr. WEXLER submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community, international law, and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued in good faith a peaceful resolution of territorial con-

flicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas, on March 28, 2008, and on April 12, 2008, Georgian President Mikheil Saakashvili introduced new and far-reaching peace proposals to resolve the territorial conflict in Abkhazia, including international guarantees of Abkhaz autonomy, broad political representation for the Abkhaz, the right to veto legislation related to the constitutional status of Abkhazia as well as its language and culture, the establishment of a joint Free Economic Zone in the Gali region, and an offer for more active involvement by the international community and Russian Federation to help forge a peaceful resolution to the conflict;

Whereas, for several years, the Government of the Russian Federation has carried out policies that seek to undermine the sovereignty of the Republic of Georgia in Abkhazia and South Ossetia by awarding individuals in these regions with Russian citizenship, Russian passports, economic subsidies, and the right to vote in Russian elections;

Whereas the Government of the Russian Federation has also detailed Russian officials to take up positions in the separatist governments, provided military equipment and support to separatists in the regions, and encouraged Russian volunteers to serve in militias in Abkhazia and South Ossetia;

Whereas the announcement from the Government of the Russian Federation on April 16, 2008, that it will establish “official ties” with the regions of Abkhazia and South Ossetia, recognize their official documents and legal entities, and further involve itself in aspects of their govern-

ments appears to be a thinly veiled attempt at annexation;

Whereas, on April 20, 2008, tensions between the Russian Federation and the Republic of Georgia a further escalated when an unarmed and unmanned Georgian reconnaissance aircraft was shot down over Georgian territory, reportedly by a Russian MIG-29 fighter jet;

Whereas Russian officials have denied any involvement in the downing of the reconnaissance plane, claiming that Abkhazian rebels were responsible for the incident, although neither Georgia nor Abkhazian defense forces have MIG-29 fighter jets;

Whereas the statements and counter-productive actions of the Government of the Russian Federation in these regions has undermined the peace and security in Abkhazia and South Ossetia, the Republic of Georgia, and the Caucasus region as a whole;

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and with its commitments to international peacekeeping made to the United Nations Security Council and the Organization for Security and Cooperation in Europe; and

Whereas, on April 23, 2008, Secretary of State Condoleezza Rice stated that "the United States is firmly committed to the territorial integrity and sovereignty of Georgia, that we support Georgia's efforts to make certain that the people of Abkhazia and South Ossetia feel fully a part of Georgia, and that we are very concerned at the recent move by the Russian Federation, the presidential decree that was issued": Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns recent decisions made by the
3 Government of the Russian Federation to establish
4 “official ties” with the regions of Abkhazia and
5 South Ossetia, a process that further impedes rec-
6 onciliation between those regions and the Govern-
7 ment of the Republic of Georgia and that violates
8 the sovereignty of the Republic of Georgia and the
9 commitments of the Government of the Russian
10 Federation to international peacekeeping;

11 (2) calls upon the Government of the Russian
12 Federation to immediately revoke its decision to es-
13 tablish “official ties” with the regions of Abkhazia
14 and South Ossetia;

15 (3) strongly supports the restoration of the ter-
16 ritorial integrity of the Republic of Georgia and a
17 peaceful resolution of the conflicts within Georgia’s
18 internationally recognized borders;

19 (4) encourages the Government of the Russian
20 Federation to work with the Government of Georgia,
21 the peoples of Abkhazia and South Ossetia, and the
22 international community to find a peaceful solution
23 to the conflict;

24 (5) welcomes the measured reaction of the Gov-
25 ernment of the Republic of Georgia to recent devel-

1 opments and commends President Saakashvili's lat-
2 est initiatives to resolve territorial conflicts through
3 peaceful means;

4 (6) calls on United Nations Secretary-General
5 Ban Ki-moon to conduct an investigation of the
6 April 20, 2008, incident in which an unarmed Geor-
7 gian reconnaissance aircraft was shot down by what
8 reports indicate was a missile launched from a Rus-
9 sian MIG-29 fighter jet;

10 (7) urges all parties to the conflicts in the Re-
11 public of Georgia and governments around the world
12 to eschew rhetoric and actions that escalate tensions
13 and undermine efforts to negotiate a peaceful settle-
14 ment to the conflicts; and

15 (8) supports the declaration of the North Atlan-
16 tic Treaty Organization's (NATO) Bucharest Sum-
17 mit in Romania, which stated that the Republic of
18 Georgia will become a member of NATO, reiterates
19 its support for the commitment to further enlarge-
20 ment of NATO to include democratic governments
21 that are able and willing to meet the responsibilities
22 of membership, and urges the foreign ministers of
23 NATO member states at their meeting in December
24 2008 to consider favorably the application of the

1 Government of the Republic of Georgia's Member-
2 ship Action Plan.

110TH CONGRESS
2D SESSION

H. CON. RES. 317

Condemning the Burmese regime's undemocratic constitution and scheduled referendum.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. HOLT (for himself, Mr. BERMAN, and Ms. ROS-LEHTINEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Condemning the Burmese regime's undemocratic constitution and scheduled referendum.

Whereas in 1974, then dictator General Ne Win and his regime had redrawn the 1947 State Constitution and held a referendum for a military-backed constitution, endorsing a civilian front for military rule, known as the Burmese Socialist Program Party;

Whereas in 1988, the people of Burma came to the streets in a massive popular democracy uprising to call for democracy, human rights, and an end to military rule and a single party system;

Whereas the current military regime violently crushed the mass democracy uprising in 1988, killing more than

3,000 peaceful protesters and took over power from the previous regime;

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of Parliament seats for the candidates of the National League for Democracy (NLD) party, led by detained leader Daw Aung San Suu Kyi and its allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive and undemocratic;

Whereas the NLD walked out of the convention in 1995 because no one was allowed to table alternative proposals or voice any disagreement with the military regime;

Whereas in 2005, the leaders of the Shan Nationalities League of Democracy (SNLD) were all arrested on false charges and sentenced to more than 90 years in prison each;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets in nationwide peaceful protests demanding the military regime participate in a meaningful tri-partite dialogue with Aung San Suu Kyi, the elected political

parties from the 1990 elections and the ethnic nationalities representatives for national reconciliation and a transition to democracy;

Whereas according to the United Nations Special Rapporteur on Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, leading human rights groups and foreign diplomats based in Burma estimate the death toll from the August and September 2007 peaceful protests is much higher than reported by the regime;

Whereas the military regime brutally crushed the peaceful protests killing at least 31 people, nearly 100 are still missing, and arrested 700 additional political prisoners whereby Burma's political prisoner population numbers 1,800;

Whereas the United Nations Security Council Presidential Statement, issued by unanimous consent of all members of the Council on October 11, 2007, stated that "the Security Council strongly deplores the use of violence against peaceful demonstrators in Myanmar, emphasizes the importance of the early release of all political prisoners and remaining detainees";

Whereas the United Nations Security Council Presidential Statement also stressed "the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups, in order to achieve an inclusive national reconciliation with the direct support of the United Nations";

Whereas the United Nations and governments around the world also repeatedly called for the SPDC to hold a political dialogue with Daw Aung San Suu Kyi, her party, the

NLD, and ethnic party representatives to achieve national reconciliation and democratization as well as to save the country from decades-long mismanagement by the regime which has resulted in a downward spiral of Burma's economic, educational, social, public health and infrastructure sectors;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners, end attacks against civilians, and engage in a meaningful dialogue with Aung San Suu Kyi, her party, the NLD, and ethnic nationality representatives;

Whereas at the same time, the SPDC assigned a commission for drafting the state constitution on October 18, 2007, with 54 hand-picked persons, in an attempt to circumvent legitimate democratic processes and legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule, reserving 25 percent of parliamentary seats for military appointees, reserves power to the head of the military to intervene in national politics, and reserves key government ministries to serving military officers;

Whereas although the SPDC has appointed Labor Minister U Aung Kyi as liaison minister to engage with Daw Aung San Suu Kyi for possible talks with Senior General Than Shwe, leader of the SPDC, since October 2007, there has been no development and no hope of a meaningful and time-bound dialogue;

Whereas recently, Daw Aung San Suu Kyi expressed through her party leaders that she is unhappy with the SPDC's

unwillingness to establish political dialogue and she even urged the people of Burma to be prepared for the worst;

Whereas on February 9, 2008, the military regime announced that it will hold a constitutional referendum in May 2008 and a general election in 2010;

Whereas on February 12, 2008, the SPDC extended the house arrest of U Tin Oo, Deputy Chairman of the NLD for another year; and

Whereas the military regime is once again trying to abolish the 1990 elections results and the election winning party status held by the NLD, and further legitimize military rule through an undemocratic process: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) denounces the one-sided, undemocratic, and
4 illegitimate act by the State Peace and Development
5 Council (SPDC) to legalize military rule with the
6 constitution;

7 (2) firmly insists that Burma's military regime
8 begin a meaningful tri-partite dialogue with Daw
9 Aung San Suu Kyi, the 1990 election winning par-
10 ties and ethnic nationality representatives toward
11 national reconciliation, and the full restoration of de-
12 mocracy, freedom of assembly, freedom of move-
13 ment, freedom of speech, freedom of the press, and
14 internationally recognized human rights for all Bur-
15 mese citizens;

1 (3) demands the immediate and unconditional
2 release of Daw Aung San Suu Kyi, detained Bud-
3 dhist monks, and all other political prisoners and
4 prisoners of conscience;

5 (4) denounces the SPDC for its failure to com-
6 ply with the United Nation's recommendations and
7 engage in a meaningful time-bound tri-partite dia-
8 logue with Aung San Suu Kyi, the 1990 election
9 winning parties and ethnic nationality represen-
10 tatives;

11 (5) condemns the military regime's constitution
12 and scheduled referendum;

13 (6) calls for the SPDC to comply fully and im-
14 mediately with the recommendations made by United
15 Nations Special Envoy Ibrahim Gambari and the
16 United Nations Security Council Presidential State-
17 ment issued on October 11, 2007;

18 (7) urges the President to call for the United
19 Nations Security Council to not accept or recognize
20 the SPDC's constitution which will be the outcome
21 of the referendum;

22 (8) urges the President to call for the United
23 Nations Security Council to pass a binding resolu-
24 tion, which will instruct the regime to fully comply
25 with the recommendations made by United Nations

1 Special Envoy Ibrahim Gambari and the United Na-
2 tions Security Council Presidential Statement, and
3 strengthen the mandate of Secretary-General Ban
4 Ki-moon to engage in a meaningful and time-bound
5 dialogue with Daw Aung San Suu Kyi, the 1990
6 election winning parties and ethnic nationality rep-
7 resentatives towards an inclusive democratic national
8 reconciliation;

9 (9) urges the President to push for a com-
10 prehensive arms embargo against the Burmese mili-
11 tary regime at the United Nations Security Council
12 so that weapons produced by foreign countries, in-
13 cluding Ukraine, China, and Russia, who currently
14 sell weapons to Burma's military regime, can no
15 longer contribute the atrocities committed by Bur-
16 ma's military regime against civilians; and

17 (10) urges the Association of Southeast Asian
18 Nations to involve itself more deeply in reaching out
19 to the Burmese democracy movement and work with
20 the United Nations Security Council and the Sec-
21 retary-General to end junta political intransigence
22 and promote meaningful political dialogue.



110TH CONGRESS
2D SESSION

H. CON. RES. 318

Supporting the goals and ideals of the International Year of Sanitation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. BLUMENAUER, and Mr. GRIJALVA) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Supporting the goals and ideals of the International Year
of Sanitation.

Whereas, in 2000, the United States, along with other world leaders, at the 55th United Nations General Assembly, committed to achieving the Millennium Development Goals which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into U.S. law in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water and an estimated 2,600,000,000 people do not have access to basic sanitation facilities, which includes 980,000,000 children;

Whereas every 20 seconds a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of sub-Saharan Africa and 37 percent of South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas at any one time almost half of the developing world's people are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average of \$7.00 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, in 2006, the United Nations, at the 61st Session of the General Assembly, declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all Member States, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007;

Whereas the thrust of the International Year of Sanitation has three parts, including—

(1) raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals;

(2) encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target; and

(3) mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health education campaigns:

Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) supports the goals and ideals of the Inter-
4 national Year of Sanitation;

5 (2) recognizes the importance of sanitation on
6 public health, poverty reduction, economic and social
7 development, and the environment; and

8 (3) encourages the people of the United States
9 to observe the International Year of Sanitation with
10 appropriate recognition, ceremonies, activities, and
11 programs to demonstrate the importance of sanita-
12 tion, hygiene, and access to safe drinking water in
13 achieving the Millennium Development Goals.

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. CON. RES. 318
OFFERED BY MR. PAYNE OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

Whereas, in 2000, the United States, along with other world leaders, at the 55th United Nations General Assembly, committed to achieving the Millennium Development Goals which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water and an estimated 2,600,000,000 people do not have access to basic sanitation facilities, which includes 980,000,000 children;

Whereas every 20 seconds a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of sub-Saharan Africa and 37 percent of South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas at any one time almost half of the developing world's people are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average of \$7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, in 2006, the United Nations, at the 61st Session of the General Assembly, declared 2008 as the International Year of Sanitation to recognize the progress

made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all Member States, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including—

- (1) raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals;
 - (2) encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target; and
 - (3) mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health education campaigns:
- Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 That the Congress—
 - 2 (1) supports the goals and ideals of the International Year of Sanitation;
 - 4 (2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

1 (3) encourages the people of the United States
2 to observe the International Year of Sanitation with
3 appropriate recognition, ceremonies, activities, and
4 programs to demonstrate the importance of sanita-
5 tion and hygiene in achieving the Millennium Devel-
6 opment Goals, and to support developing countries
7 in their efforts to achieve the Millennium Develop-
8 ment Goal target on basic sanitation among popu-
9 lations at greatest need.



110TH CONGRESS
2D SESSION

H. CON. RES. 332

Recognizing the 60th anniversary of the Universal Declaration of Human Rights.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2008

Mr. FORTENBERRY (for himself and Mr. DELAHUNT) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Recognizing the 60th anniversary of the Universal Declaration of Human Rights.

Whereas the United Nations Charter sought to establish an international forum to “save succeeding generations from the scourge of war..., reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”;

Whereas, through manifold works of generosity, the people of the United States exemplify a noble conviction that the deepest yearnings of the human heart for respect and dignity transcend political, ethnic, and religious differences;

Whereas the people of the United States continue to inspire their leaders to prioritize endeavors which bring hope and healing to those in need throughout the world;

Whereas the United Nations General Assembly proclaimed the Universal Declaration of Human Rights on December 10, 1948, as a “common standard of achievement for all peoples and nations . . .”;

Whereas the preamble of the Universal Declaration of Human Rights states, “. . .recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world . . .”;

Whereas the Universal Declaration of Human Rights sets forth a common understanding of universal rights and freedoms and the notion that these cannot be created and are neither conferred by countries nor by governments, but rather are inalienable rights and freedoms with which all human persons are endowed by their very nature; and

Whereas United Nations Secretary-General Ban Ki-moon noted on Human Rights Day 2007, that “[i]t is our duty to ensure that these rights are a living reality—that they are known, understood and enjoyed by everyone, everywhere”: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) recognizes on its 60th anniversary year the
4 Universal Declaration of Human Rights as a sin-
5 gular achievement of the community of nations;

6 (2) recognizes the contribution in the Declara-
7 tion of Independence and the United States Con-

1 stitution to the development of the Universal Dec-
2 laration of Human Rights, and the role of the
3 United States in preserving the legacy of these
4 foundational human rights precepts through its par-
5 ticipation in the United Nations;

6 (3) urges all United Nations Member States to
7 renew their commitment to uphold and promote the
8 transcendent principles of human dignity enshrined
9 in the Universal Declaration of Human Rights, espe-
10 cially on behalf of the world's most vulnerable per-
11 sons and those who have no power to advocate on
12 their own behalf; and

13 (4) joins with colleagues inspired by the spirit
14 of goodwill in parliaments throughout the world in
15 seeking to guide the United Nations and its agencies
16 to serve as effective instruments of genuine and last-
17 ing justice and peace among nations.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H. CON. RES. 332

OFFERED BY MR. BERMAN OF CALIFORNIA

Strike the preamble and insert the following:

Whereas the United Nations Charter sought to establish an international forum to “save succeeding generations from the scourge of war..., reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”;

Whereas, through manifold works of generosity, the people of the United States exemplify a noble conviction that the deepest yearnings of the human heart for respect and dignity transcend political, ethnic, and religious differences;

Whereas the people of the United States continue to inspire their leaders to prioritize endeavors which bring hope and healing to those in need throughout the world;

Whereas the United Nations General Assembly proclaimed the Universal Declaration of Human Rights on December 10, 1948, as a “common standard of achievement for all peoples and nations...”;

Whereas the preamble of the Universal Declaration of Human Rights states, “...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world...”;

Whereas the Universal Declaration of Human Rights sets forth a common understanding of universal rights and freedoms and the notion that these cannot be created and are neither conferred by countries nor by governments, but rather are inalienable rights and freedoms with which all human persons are endowed by their very nature;

Whereas, Eleanor Roosevelt, who led the United States delegation to the first Commission on Human Rights, was responsible for drafting the Universal Declaration of Human Rights and in recognition of her unparalleled humanitarian conviction, was elected as Chairwoman of the Commission; Eleanor Roosevelt expressed her vision of a declaration of true universality with enduring principles that would be perpetually recognized by all nations when she stated, as she submitted the Universal Declaration of Human Rights for consideration by the United Nations General Assembly, “We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere.”;

Whereas United Nations Secretary-General Ban Ki-moon noted on Human Rights Day 2007, that “[i]t is our duty to ensure that these rights are a living reality – that they are known, understood and enjoyed by everyone, everywhere”: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That Congress—

1 (1) recognizes on its 60th anniversary year the
2 Universal Declaration of Human Rights as a sin-
3 singular achievement of the community of nations;

4 (2) recognizes the contribution in the Declara-
5 tion of Independence and the United States Con-
6 stitution to the development of the Universal Dec-
7 laration of Human Rights, and the role of the
8 United States in preserving the legacy of these
9 foundational human rights precepts through its par-
10 ticipation in the United Nations;

11 (3) urges all United Nations Member States to
12 renew their commitment to uphold and promote the
13 transcendent principles of human dignity enshrined
14 in the Universal Declaration of Human Rights, espe-
15 cially on behalf of the world's most vulnerable per-
16 sons and those who have no power to advocate on
17 their own behalf; and

18 (4) joins with colleagues inspired by the spirit
19 of goodwill in parliaments throughout the world in
20 seeking to guide the United Nations and its agencies
21 to serve as effective instruments of genuine and last-
22 ing justice and peace among nations.



(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. CON. RES. 337

Honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

IN THE HOUSE OF REPRESENTATIVES .

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

Honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

Whereas Seeds of Peace, founded by the late John Wallach, is a program that brings together young people and educators from regions of conflict to study and learn about coexistence and conflict resolution;

Whereas these young people study and learn primarily at an international conflict resolution summer camp operated by Seeds of Peace in Otisfield, Maine, and also through its regional programs such as the facilitation training

course in the Middle East, the homestay programs in South Asia, and international regional conferences;

Whereas the first international conflict resolution camp welcomed Israeli, Palestinian, Jordanian, and Egyptian youths in the summer of 1993, and has since expanded to involve youths from other regions of conflict, including from Greece, Turkey and divided Cyprus, the Balkans, India, Pakistan, and Afghanistan;

Whereas Seeds of Peace utilizes the summer camp to initiate dialogue between the youths of the United States and the youths from various conflict regions to dispel hatred and create religious and cultural understanding;

Whereas Seeds of Peace regional programs have trained hundreds of educators to teach peaceful conflict resolutions techniques in their classrooms, positively influencing thousands of students;

Whereas Seeds of Peace works to dispel fear, mistrust, and prejudice, which among others are root causes of violence and conflict, and to build a new generation of leaders who are committed to achieving peace;

Whereas Seeds of Peace reveals the human face of those whom youth may have been taught to hate, by engaging campers in both guided coexistence sessions and ordinary summer camp activities such as living together in cabins, sharing meals, canoeing, swimming, playing sports, and creative exploration through the arts and computers;

Whereas long-term peace between Arabs and Israelis, Indians and Pakistanis, and Afghans and Pakistanis can only be achieved with the emergence of a new generation of leaders who will choose dialogue, friendship, and openness over violence and hatred;

Whereas Seeds of Peace provides year-round opportunities via regional programming and innovative technology to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue subsequently in the participants' home countries;

Whereas youth graduates of the camp, known as Seeds, currently number over 4,000, with an additional 567 adult delegation leaders also having completed Seeds of Peace training;

Whereas this graduate network receives continued support from Seeds of Peace in promoting professional cooperation;

Whereas Seeds of Peace is strongly supported by participating governments and many world leaders; and

Whereas continued partial Federal funding for Seeds of Peace demonstrates its recognized importance in promoting peaceful resolution of conflicts as a primary goal of United States policy: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) reaffirms that youth should be involved in
4 long-term, visionary solutions to violent conflicts;

5 (2) honors the accomplishments of Seeds of
6 Peace in its 15 years of promoting understanding,
7 reconciliation, acceptance, coexistence, and peace
8 among youth from the Middle East and other re-
9 gions of conflict around the world; and

1 (3) views Seeds of Peace as a highly creative
2 and successful effort to achieve reconciliation among
3 peoples from areas of conflict, which inspires great
4 hope that nations in conflict ultimately can learn to
5 live together in peace, cooperation, and security.

Chairman BERMAN. Before turning to our first measure, H.R. 5834, I turn to the ranking member for some comments.

Ms. ROS-LEHTINEN. Mr. Chairman, in light of the time constraints, I have some very insightful comments on my bill that I would like to be made part of the record, and spare all of you.

Chairman BERMAN. Then without objection, the amendments to H.R. 5834, the ranking member's legislation, which I am co-sponsoring, the North Korean Human Rights Reauthorization Act of 2008, is deemed to be adopted and the bill is reported favorably to the House of Representatives.

Without objection, the bill will be reported as a single amendment in the nature of a substitute, incorporating the amendments adopted by the committee. Staff is directed to make any technical confirming changes.

Does anyone wish to be recognized to speak on any of the additional measures?

Mr. ROYCE. Mr. Chairman?

Chairman BERMAN. Mr. Royce?

Mr. ROYCE. House Resolution 1166, I would ask recognition to speak on that resolution on the Republic of Georgia's territorial integrity.

Chairman BERMAN. Yes, House Resolution 1166—the gentleman from California is recognized.

Mr. ROYCE. Thank you very much, Mr. Chairman. I do have concerns regarding this resolution. When you read this resolution, it notes that Russia has carried out policies to undermine neighboring Georgia's sovereignty. Well, that is correct, and I think it rightly condemns several provocative Russian actions.

My objection though regards its endorsing NATO membership of Georgia. I realize that the administration is pushing for this. But Mr. Chairman, I would ask my colleagues whether we have really fully considered it.

NATO is not a club. In its essence, it is a defense alliance. It is a commitment to come to each member's defense. This makes NATO the most solemn and consequential commitment our country can make.

By endorsing NATO membership, what we are doing here is saying that Georgia is in our vital national interest; that it is worth American lives and treasure defending; and I question that, especially when our military is stretched thin.

We had better also consider that Georgia and Russia could be a spark away from serious conflict there. I realize that Russia wants Georgia out of NATO. It wants Georgia out desperately. It is trying to signal us to reject Georgia. So I understand my colleagues' position.

But just because Russia opposes something—in this case, Georgia in NATO—does not mean it is in our interest to do it to make this commitment. NATO membership for Georgia may seem like an easy commitment. But events move in unpredictable ways.

Starting down this road could lead to a no-win choice for us. On the one hand, honoring our commitment, we may end up with a difficult and painful military action; an action our NATO allies, by the way, would likely shun.

For those concerned with NATO's vitality, expansion may not help NATO in this instance. We cannot defend every country. We should not try. There are vital interests and then there are other interests, and Georgia has disputed territory.

Maybe NATO membership would help resolve that dispute, but maybe not. We should help Georgia resist Russian intimidation, yes. But I just do not see Georgia as a sacred security commitment. I thank you, Mr. Chairman, for allowing me to speak on this.

Mr. DELAHUNT. Would the gentleman yield?

Mr. ROYCE. I will.

Mr. DELAHUNT. I thank the gentleman for yielding. I just want to note for the record that I sympathize with his observations, and I share his concerns. With that, I will yield back to the gentleman.

Chairman BERMAN. Before I recognize Mr. Wexler, I am struck by the notion that for Bucharest, NATO denied membership action plan status for Georgia; and then voted to commit for membership in NATO for Georgia. They sounded like politicians.

I recognize the gentleman from Florida, Mr. Wexler, for 5 minutes to sponsor the resolution.

Mr. WEXLER. Thank you, Mr. Chairman. In response to the previous comments, the chairman is right. What NATO unanimously agreed to do was not to provide a membership action plan to Ukraine and Georgia; and this House unanimously voted for a resolution endorsing membership action plan status for Ukraine and Georgia.

What the resolution before us provides in its language is simply the language that NATO unanimously voted out of the Bucharest Summit. What the language stated, of course, was that the Republic of Georgia, and also Ukraine—but in this context, we are focused on Georgia—that the Republic of Georgia will become a member of NATO.

That is what the administration supported. That is what all of the nations of NATO supported. This House voted unanimously for a MAP, Membership Action Plan, for Georgia. Just in terms of housekeeping, I believe this was a provision—and I agree with it entirely—but a provision that the ranking member had asked be included in the resolution, which I totally support. But we did so at her urging, and I am glad that we did.

The language here is exactly what NATO provided unanimously, and it does not go any less or any more than that which NATO has already provided and the position of our Government at NATO. Thank you, Mr. Chairman.

Mr. SHERMAN. One of the issues we always face in our foreign policy is self determination, when people want to establish their own independent states; versus territorial integrity, when states want to retain all of their territory.

With regard to the Eastern European area, we supported self determination of the people of Yugoslavia. We supported the self determination for the republics that made up the Soviet Union; and we supported self determination of Serbia's region of Kosovo.

But then we opposed self determination and support territorial integrity of Abkhazia and South Ossetia. Now some would say that makes us inconsistent. They are wrong. We are consistently anti-

Russian with regard to all five of those instances. We are reflexively anti-Russian.

I am not necessarily against being anti-Russian. But I think we should not be reflexively, automatically anti-Russian without even negotiating with Russia on issues that are vital to our national security.

I would also point out, and join Mr. Royce and go further, and say that if Georgia were to become a member of NATO today, we would be in a state of war with Russia, a major nuclear state. That is not something that should be handled through a suspension bill that nobody pays any attention to.

So I would hope that we would think again about this resolution. There are substantial claims of the people of Abkhazia and the people of South Ossetia to go their own way and not be part of Georgia. There are arguments on the other side. Perhaps we would need a more extensive review before we put the national security of the United States on the line in disputes that nobody in my district has spent any time contemplating. I yield back.

Chairman BERMAN. Does anyone else seek recognition; Mr. Rohrabacher, which resolution?

Mr. ROHRABACHER. This resolution.

Chairman BERMAN. Oh, this resolution—understand, debate is open on any of the resolution on the consent calendar. The gentleman is recognized.

Mr. ROHRABACHER. Correct, this is on House Resolution 1166. Let me echo the concerns of Mr. Sherman and Mr. Royce about this resolution. I certainly agree with them.

Regarding Mr. Sherman's observation that too many people are being reflexively anti-Russian, let me note that for my entire life, I have been reflexively anti-Soviet Union. I am very happy that it is Russia now, so I do not have to be reflexively anti-Russian.

The points made by Mr. Sherman in terms of the right of self determination that we have supported over these last 10 years is exactly correct. The most recent one has been, of course, Kosovo.

I have been in favor of each and every one of those, whether it was Ukraine or all of these former Soviet Republics, as well as Kosovo. I have been in favor of their right of self determination. Yet, we have a totally inconsistent position when it comes to some countries that might have areas that want to have their self determination, but are occupied by people who are somewhat pro-Russian. So it is totally inconsistent.

Also, the point about do we want NATO coverage, as Mr. Royce has stated, do we really want to have NATO coverage all the way down that far away from home in that intricate of a small country, way off in Central Asia? I do not believe so.

In fact, I think that would reflect the fact that NATO really did not mean as much as we think. This would dilute the meaning of NATO, if we include Georgia in that agreement. I would now yield the rest of my time to Mr. Royce.

Mr. ROYCE. I thank the gentleman for yielding. I just was going to address one of the issues raised, which was the vote on the House floor. I did not call for a vote on the floor of the House. But I did raise objections, and I raised them in the record. I was not able to get to the floor.

But that resolution on the House floor did not go through the committee process. If it had gone through this committee process, I would have raised these objections then.

Turning to this resolution, I am questioning whether checking Russian aggression in Abkhazia by taking on a treaty commitment is in our national interest and in the interest of NATO.

I think it is a question worthy of the committee's consideration. In today's Wall Street Journal, there is a story about the rapid escalation tensions between Russia and Georgia there. Yesterday, Russia's defense ministry said it was increasing troop deployments in Georgia separatist territories; while Georgia said it would block Moscow's efforts to join the World Trade Organization.

Also, yesterday, Georgia said it filmed a MiG-29 aircraft shooting down one of its unmanned air reconnaissance aircraft, and traced it back to a return to Russian air space. Russian officials denied the attack.

But that is the state of play on the ground in Georgia today, and why I raise these concerns. I yield back, Mr. Chairman.

Mr. WEXLER. Mr. Chairman?

Chairman BERMAN. Who is seeking recognition?

Mr. WEXLER. This is Mr. Wexler. I already spoke.

Chairman BERMAN. Yes, you did. [Laughter.]

Mr. DELAHUNT. Mr. Chairman?

Chairman BERMAN. The gentleman from Massachusetts got time yielded to him, as opposed to seeking recognition.

Mr. DELAHUNT. That was the strategy on my part, Mr. Chairman. [Laughter.]

I will give the gentleman from Florida the time.

Chairman BERMAN. Well, before you do, just deal with this one issue. Can you be flexibly anti-Russian and reflexively anti-Chinese?

Mr. DELAHUNT. I will yield that question also to the gentleman from Florida. [Laughter.]

Mr. WEXLER. Thank you; if we could just put this in the context of this resolution, please. The resolution is not anti-Russian for any other purpose, other than to recite facts that have occurred, some of which very recently.

It is a bit of a stretch to make an analogy between the process that resulted in Kosovo becoming an independent state, and what are now unilateral actions by Russia, shooting down a Georgian drone, engaging in unilateral aggressive actions; not through a negotiated process; not through the United Nations; not through any deliberative international body. It was a unilateral aggressive act that offended the sovereignty of the nation of Georgia.

Now as to the issue of NATO membership, this resolution does not guarantee NATO membership. In fact, it does not go any further—not one comma, not one little word further than that which all of the NATO countries voted to support at the Bucharest Summit recently.

So that is what we are saying; that we support what was done at the NATO. If you disagree with what is done at the NATO summit, then that is a fair position. But respectfully, it is not fair to make this resolution into something anything other than support for what was stated at Bucharest.

As to the facts of Mr. Sherman's comments, 400,000 Georgians were removed from Abkhazia. That is history. But this resolution is simply stating that when Russia goes ahead unilaterally, shoots down a drone, violates another nation's sovereignty, that we, the United States House of Representatives, in a resolution, can point that out and say, that is not constructive, and that we support a peace process that the Georgians have initiated; and that yes, we, the United States House of Representatives support what NATO did at the Bucharest Summit, which our Government supported, which every member of NATO supported.

Are we not as prepared to go as far as all of the other governments involved in NATO went, in terms of the issue of enlargement as it relates to Georgia?

We did vote. I understand Mr. Royce correctly pointed that out. I assume that he had reservations. But we voted on the floor of the House, unanimously, understanding the gentleman's reservations for a Membership Action Plan. The President apparently lost that argument at NATO; and instead, the NATO countries determined that they would issue the statement, the language of which is reflected in this resolution; no more, no less.

Mr. DELAHUNT. Reclaiming my time, I just want to point out that my colleague from Florida speaks about facts as if they were current. Yet, my concern, as I read this resolution, on page three in the first "Whereas" clause, we talk about the aircraft are shot down over Georgia reportedly by a Russian MiG-29.

The next paragraph goes on to say, "Whereas, Russian officials have denied any involvement in the downing of the reconnaissance plane." I feel very uncomfortable accepting that as having been vetted through any kind of a committee process, and simply to accept it as factual base.

It has the appearances, if you will, of a potential to be interpreted by the Russian Government as being reflexively anti-Russian, and that does cause me concern. With that, I yield back the balance of my time.

Chairman BERMAN. The time of the gentleman has expired; the gentleman from Nebraska, Mr. Fortenberry?

Mr. FORTENBERRY. Before I seek time, Mr. Chairman, can I have a parliamentary inquiry from you.

Chairman BERMAN. State the parliamentary inquiry, and I will tell you whether you can have it. [Laughter.]

Mr. FORTENBERRY. Frankly, parenthetically, I find this dialogue refreshing. I think we should do more of this at a full committee level. But what would be the process for removing this resolution for removing this resolution from either further consideration or a separate vote from the unanimous consent that we are currently operating under regarding the rest of these resolutions?

Chairman BERMAN. If the effort is to get it off the consent calendar, one member requesting that it be taken off the consent calendar will achieve that. That will not keep it from coming, however. That will just keep it from coming up as part of the consent calendar.

Mr. FORTENBERRY. That is my question; thank you. I would like to seek time.

Chairman BERMAN. You are recognized for 5 minutes.

Mr. FORTENBERRY. Thank you; Mr. Chairman, thank you for your support of the resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights. I also want to thank your fine staff for their significant efforts on this measure, as well

On December 10th, 1948, the memory of a brutal world war which took tens of millions of lives, scarred millions of survivors of an unimaginable holocaust, and unleashed the full fury of atomic power on the guilty as well as the innocent remained vividly etched in the world's collective consciousness.

In the view of this unprecedented devastation, and in the hope of preventing future conflict, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and nations, and recognized that "the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

As the memory of World War II continues to recede into history, it becomes ever clearer to me that our rapidly changing world appears to be losing sight of guiding principles that have accompanied the promotion of human dignity, peace, and prosperity since the earliest progression of civilization.

I also believe that we are living in a day when the myriad distractions of modern life in the United States leave precious little time to reflect on the philosophical foundations which have guided this nation through many turbulent times.

To draw attention to these important principles and to the pivotal role of the United States in bringing the universal declaration to fruition, Mr. Delahunt and I were pleased to introduce this resolution to recognize the 60th anniversary of the Declaration of Human Rights.

It is my hope that this effort will serve as a vivid reminder of the profound contributions of the United States throughout our short history as a champion for human rights, the work also left to be done, and inspire thoughtful recognition and reflection on the transcendent principles of human dignity. I yield back my time, thank you.

Mr. DELAHUNT. If the gentleman would yield?

Chairman BERMAN. Do you want to yield?

Mr. FORTENBERRY. Reclaiming my time, I yield to the gentleman.

Mr. DELAHUNT. I just want to acknowledge the gentleman's leadership on this issue and this resolution. It is a resolution that I support enthusiastically. It is well drafted, and I think it reflects well on the gentleman from Nebraska and this committee, and I urge its adoption.

Chairman BERMAN. The time of the gentleman has expired; the gentleman from Puerto Rico, Mr. Fortuño, seeks recognition and is recognized for 5 minutes.

Mr. FORTUÑO. Thank you, Chairman Berman. I first want to express my deep gratitude to you and to my good friend, Ranking Member Ros-Lehtinen, for bringing H.R. 3658 before the committee this afternoon. I would also like to thank the members of the committee who co-sponsored this bill, and especially Mr. Faleomavaega, who is one of the bill's four original co-sponsors.

Mr. Chairman, H.R. 3658 will amend the Foreign Service Act of 1980 to permit a discrete class of Foreign Service members to take rest and recuperation travel, known as R&R, in the five U.S. territories.

Mr. Chairman, I want to briefly explain why this bill makes sense. The Foreign Service Act lists the instances in which the State Department may pay the travel-related costs of Foreign Service members. One section of the FSA states that the department may pay the travel costs incurred by Foreign Service personnel for what is known as home leave.

The purpose of home leave is to ensure that Foreign Service members who have been sent abroad undergo a period of re-orientation to the United States. The FSA provides that home leave may be taken in the 50 states and the U.S. territories.

Another section of the FSA states that the department may pay the costs incurred by Foreign Service members for R&R travel. Unlike home leave, which is granted to all Foreign Service members who serve abroad, R&R is granted only to those stationed at hardship posts.

Under the current FSA, R&R may only be taken in locations in the United States. State Department regulations have interpreted this phrase to exclude U.S. territories.

Mr. Chairman, there is no principle basis for allowing Foreign Service members to take home leave, but not R&R, in the U.S. territories; and H.R. 3658 amends the FSA to eliminate the distinction.

Just as they proudly service in our nation's armed forces, residents of the U.S. territories also represent this great country abroad as diplomats. Putting them on equal terms with their colleagues from the 50 states is the right thing to do.

Moreover, the additional cost to the State Department from this bill is expected to be minimal, and the department does not oppose its passage.

In closing, I would like to put a human face on this bill. Mr. Ramon Negron is a United States citizen, born and raised in Puerto Rico, a graduate of West Point and a retired colonel in the Army Reserve. Mr. Negron currently serves as a political economic officer at the U.S. Interest Section in Havana, Cuba, which is considered a hardship post.

Mr. Negron's next posting, to begin this summer, is as the Embassy Officer Director in Basra, Iraq. It is neither sensible or fair that under current law, the State Department will not cover the cost of airfare so this U.S. citizen, U.S. soldier, and United States diplomat can travel home to Puerto Rico to be with his family before leaving for the Middle East. H.R. 3658 will rectify this disparity.

Again thank you very much, Mr. Chairman, and I yield back.

Mr. FALEOMAVAEGA [presiding]. I thank the gentleman from Puerto Rico for his most eloquent statement and explanation of his proposed legislation. There are 4.4 million citizens that live in the Commonwealth of Puerto Rico, and I know at least there are several hundred, if not 1,000, of our Foreign Service workers possibly could come from Puerto Rico. So I thank the gentleman, and I do ask all my colleagues to support the legislation.

The chair now recognizes Ms. Watson.

Ms. WATSON. Thank you so much, Mr. Chairman. I also want to comment briefly on Mr. Fortuño's legislation, H.R. 3658, which will fix an anomaly contained in the Forest Service Act, which currently prohibits Foreign Service personnel serving in hardship posts to take rest and recuperation travel, known as R&R, in the five U.S. territories.

As a former Ambassador to the Federated States of Micronesia, I am aware of the stress our Foreign Service officers undergo while serving in hardship posts, and the need for rest and recuperation travel.

But I have never understood why FSOs cannot be compensated for taking R&R in our own U.S. territories, which sometimes are closer and more accessible than a long and arduous trip to the states.

As Mr. Fortuño has noted in his remarks, it also makes no sense that U.S. citizens and Foreign Service officers, who have been raised in one of the U.S. territories and still have family there, cannot be compensated for a trip to visit his or her family and relatives. I want to commend Mr. Fortuño for offering this legislative fix, and I also urge a swift passage into law. Thank you, I yield back.

Mr. FALEOMAVAEGA. I thank gentlelady. Are there any other members who wish to comment?

[No response.]

Mr. FALEOMAVAEGA. Without objection, the chairman is authorized to seek consideration of the following bills under suspension of the rules; and the amendments to those measures which the members have before them shall be deemed adopted: H.R. 3658, H.R. 1011, H. Res. 1063, H. Res. 1109, H. Res. 1127, H. Res. 1166, H. Con. Res. 317, H. Con. Res. 318, H. Con. Res. 332, H. Con. Res. 337. Is there any objection?

[No response.]

Mr. FALEOMAVAEGA. The meeting of this committee is now adjourned.

[Whereupon, at 2:45 p.m., the committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENTS OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

H.R.5916, THE SECURITY ASSISTANCE AND ARMS EXPORT CONTROL REFORM ACT OF 2008

Thank you, Mr. Chairman. I speak today in support of H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008, introduced by my colleague Mr. Berman. I would like to thank the Chairman for his leadership on this important legislation, which will make important reforms to U.S. arms exports.

I would also like to thank the Chairman and the Committee staff for working with me to incorporate two important amendments that I offered to this bill, both of which will encourage respect of basic standards of human rights in countries receiving security assistance and arms exports. I believe that these two amendments improve this legislation by taking steps to ensure that U.S. taxpayer dollars are not being used to arm governments contributing to or engaging in massive violations of human rights, including genocide.

My first amendment, which will be inserted as section 406 of this legislation, states that

“It is the sense of Congress that the United States should not provide security assistance or arms exports to nations contributing to massive, widespread, and systematic violations of human rights or acts of genocide, particularly with respect to Darfur, Sudan.”

This Congress has already taken remarkable strides to condemn the genocide in Sudan, now entering its fifth year, and to work to ensure that the people of this nation are not unwittingly supporting these human rights abuses. My amendment reaffirms that it is the sense of Congress that violations of this nature, which are gross, widespread, and systematic, are a serious issue, and that the United States should not be providing security assistance to countries that are contributing to such abuses.

In addition, I offered a second amendment, which would also serve to reinforce the respect for basic human rights under this act. Section 103 of this legislation requires a “comprehensive and systematic review and assessment” of the U.S. arms export controls system by the President, to be completed not later than March 31, 2009, and sets forth a number of elements that such a review must contain. My second amendment adds an additional element to this report. It states that the President’s report must also

“(F) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.”

This language will ensure that Congress will remain apprised of the implications of U.S. security assistance and arms exports on basic human rights. Through the inclusion of this amendment, we will ensure that Congress has all the information it needs to fully understand the impact of our security assistance. Because this amendment only requires an assessment of current human rights practices, it does not run the risk of restricting assistance to nations that, like Liberia, have a poor history of human rights but now, under new leadership, have made important strides toward respect of basic human freedoms.

Mr. Chairman, I believe that a nation’s human rights record should be one element that the United States uses when determining whether security assistance or arms trade will be extended to that nation. My two amendments to this legislation seek to ensure that the United States is not arming governments that are contrib-

uting to or committing the grossest violations of human rights, like genocide, and to collect information on how our security assistance policies are affecting human rights in nations to which we are providing arms.

Mr. Chairman, the legislation, H.R.5916, we are considering today includes a number of important provisions which will strengthen and reform U.S. security assistance and the defense trade licensing and review process. This Committee has jurisdiction over the oversight of the both the U.S. arms export control process and individual sales, under the Arms Export Control Act, while the Department of State has primary responsibility to ensure that arms exports are in line with U.S. foreign policy and security objectives.

Unfortunately, the State Department arms export process has broken down, and there is now an accumulated backlog of approximately 10,000 unprocessed applications for arms export license. Due to mismanagement and an under allocation of resources, the State Department process has proven dysfunctional.

The legislation we are considering today contains a number of important provisions which will alleviate this serious and ongoing problem. It sets up a strategic review, to be conducted by the President, to determine the effectiveness of the current export control regime, and to make improvements where necessary, including in the efficiency in export licensing. Further, it establishes performance goals for export licensing process, ensuring adequate staffing, flexibility in use of exporter annual registration fees for administrative purposes, regular Inspector General audits, and regular review of items for inclusion/deletion from the U.S. Munitions List. Finally, this legislation authorizes a special up-front licensing regime for spares and components for weapons systems previously sold to US allies, and increasing licensing process transparency measures to facilitate Congressional oversight.

In addition to these important provisions, this legislation will strengthen vital security relationships with a number of U.S. allies. It adds South Korea to a list of countries already receiving expedited Congressional review, including NATO nations, Australia, New Zealand, and Japan. This move recognizes the critical importance of South Korea to U.S. security and regional stability, and it is a significant symbolic move.

This legislation also extends the same recognition to Israel, and it authorizes the initial phase-in of the Foreign Military Financing formula agreed on by the United States and Israel last year. Further, this legislation requires the Administration to empirically assess, on an ongoing basis, the state of Israel's "Qualitative Military Edge" against conventional or non-conventional security threats. This provision codifies a principle that has been stated by every President since Lyndon Johnson, and requires the Administration to provide an assessment to Congress every four years, to be used in reviewing arms exports to other Middle Eastern countries. These provisions continue U.S. assistance to Israel, and they provide for increased Congressional oversight of this assistance.

Mr. Chairman, this legislation also allows for a waiver of Section 102 (b) of the Arms Export Control Act, commonly known as the Glenn Amendment, in the case of the North Korea nuclear program. The Glenn amendment, adopted in 1994, prohibits all U.S. economic and military assistance to any state that carries out a nuclear explosion and that is, under the nuclear non-proliferation treaty, defined as a non-nuclear weapon state. In light of the nuclear disablement and dismantlement activities agreed to in the Six-Party Talks, this waiver will grant the Administration the ability to request appropriations directly to the Department of Energy for these activities, rather than its current practice of channeling such assistance through the State Department's Nonproliferation and Disarmament Fund, which has other high-priority demands on its funding and personnel. I support this provision because I believe that it is in the vital national security interest of the United States to continue to disable and hopefully remove North Korea's means to make more nuclear weapons, weapons or material that may be used against our interests or even transferred to other states.

Finally, Mr. Chairman, I support a provision in Title V of this legislation, which will grant to the government of Pakistan naval vessels, including "the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG-8)." I believe that the continuation of U.S. assistance to Pakistan is particularly vital at this moment, following the February 2008 Pakistani elections in which two main opposition parties won a majority of seats. At this crucial time for the new Pakistani government, I believe that the continuation of U.S. assistance is vital if we are to see crucial reforms and ongoing strides in the global fight against terrorism.

Mr. Chairman, this legislation will strengthen and reform the process of U.S. security assistance and arms exports. I strongly urge my colleagues to join me in supporting this legislation. Thank you, Mr. Chairman. I yield back the balance of my time.

JACKSON LEE AMENDMENTS #1 AND #2 TO H.R. 5916, THE SECURITY ASSISTANCE AND ARMS EXPORT CONTROL REFORM ACT OF 2008

Thank you, Mr. Chairman. I ask my colleagues to support two amendments that I am introducing to H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008. I would like to thank the Chairman for his leadership on this important legislation, which will make important reforms to U.S. arms exports.

I would also like to thank the Chairman and the Committee staff for working with me to incorporate these two important amendments into this bill, both of which will encourage respect of basic standards of human rights in countries receiving security assistance and arms exports. These two amendments take important steps to ensure that U.S. taxpayer dollars are not being used to arm governments contributing to or engaging in massive violations of human rights, including genocide.

My first amendment, which will be inserted as section 406 of this legislation, states that

“It is the sense of Congress that the United States should not provide security assistance or arms exports to nations contributing to massive, widespread, and systematic violations of human rights or acts of genocide, particularly with respect to Darfur, Sudan.”

Through the inclusion of the terms “massive,” “widespread,” and “systematic,” this amendment will target the most egregious violations of the most fundamental human rights, such as the ongoing genocide in Sudan. Congress has already taken remarkable strides to condemn the genocide in Darfur, now entering its fifth year, and to work to ensure that the American people are not unwittingly supporting these human rights abuses. My amendment reaffirms that it is the sense of Congress that violations of this nature, which are gross, widespread, and systematic, are a serious issue, and that the United States should not be providing security assistance to countries that are contributing to such abuses.

In addition, I offered a second amendment, which would also serve to reinforce the respect for basic human rights under this act. Section 103 of this legislation requires a “comprehensive and systematic review and assessment” of the U.S. arms export controls system by the President, to be completed not later than March 31, 2009, and sets forth a number of elements that such a review must contain.

My second amendment adds an additional element to this report. It states that the President’s report must also

“(F) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.”

This language will allow Congress to remain apprised of the implications of U.S. security assistance and arms exports on basic human rights. Through the inclusion of this amendment, we will ensure that Congress has all the information it needs to understand the full spectrum of impact of our security assistance. Because the assessment required by this amendment will only investigate the current human rights situation in a recipient country, it does not run the risk of restricting assistance to nations that, like Liberia, have a poor history of human rights but now, under new leadership, have made important strides toward respect of basic human freedoms.

Mr. Chairman, I believe that a nation’s human rights record should be one element that the United States uses when determining whether security assistance or arms trade will be extended to that nation. My two amendments to this legislation seek to ensure that the United States is not arming governments that are contributing to the grossest violations of human rights, like genocide, and to collect information on how our security assistance policies are affecting human rights in nations to which we are providing arms.

I thank you, Mr. Chairman, for your support of these two important amendments, and I urge my colleagues to join me in supporting their inclusion to this legislation. Thank you, Mr. Chairman. I yield back the balance of my time.

H.R. 5834, THE NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

Thank you, Mr. Chairman. I speak today in support of H.R. 5834, the North Korean Human Rights Reauthorization Act of 2008, introduced by my colleague Congresswoman Ros-Lehtinen. I believe that this legislation makes important improvements to the North Korean Human Rights Act, passed in 2004. I would like to thank the Ranking Member for her ongoing commitment and leadership on this important issue.

Let me also thank both the Chairman and the Ranking Member for including language I introduced in this legislation. My amendment adds a new paragraph at the end of section 3 of this bill, stating that it is the sense of Congress that:

(5) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—

(A) immediately halt its forcible repatriation of North Koreans;

(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China; and

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.

Mr. Chairman, I believe this language adds a much stronger statement that it should be U.S. policy to urge the Government of China to fulfill its international obligations, and to respect the rights of North Korean refugees, and I thank you and the Ranking Member for working with me to ensure that this language is included.

Mr. Chairman, between 1994 and 1998, 2–3 million people died during a period of famine in North Korea. During this period, large numbers of North Koreans began to cross the border to China, in search of refuge. At current count, the U.S. State Department estimates some 30,000–50,000 North Korean refugees currently live in China, while some non-governmental organizations put this figure as high as 300,000. Also according to the State Department, those North Koreans who are repatriated face harsh punishments, ranging from forced labor to execution.

Despite China's obligations under international refugee law, China continues to view North Koreans resident in China as economic migrants rather than political refugees, and, on this basis, refuses to grant UN agencies, including the UN Refugee Agency (UNHCR), access to these populations. Also because of its refusal to recognize North Koreans as refugees, China has argued that, under a bilateral 1986 repatriation agreement with North Korea, it must return all border crossers. While at times this bilateral agreement has, in practice, been ignored, there have also been periodic periods of deportations back to North Korea.

The practice of returning North Koreans who have fled to China is particularly worrisome, because, under the North Korean judicial system, to leave the country without state permission can be considered as an act of treason. Penalties for such a crime include imprisonment, forced labor, and even death. North Koreans who flee to neighboring nations, including China, face a strong risk of persecution should they ever return. According to Amnesty International, at least 10% of those who annually cross the border back to North Korea are forced to do so.

Mr. Chairman, North Korea is an extremely closed society, and millions of North Koreans live in desperate conditions. The regime is classified by Human Rights Watch as being “among the world’s most repressive.” The government controls virtually all aspects of life, and political, economic, and religious freedoms are non-existent. Without guarantees of due process and fair trials, citizens live in fear of arbitrary arrest, and of torture and execution by the state. The state controls all access to information, including an iron grip on media, and uses this control to manipulate the population. In addition, particularly following the famine of 1994–1998, food shortages persist, and many residents are starving or undernourished.

Large numbers of North Koreans have fled these conditions, a significant percentage of which would likely fit the legal definition of refugees. The percentage of these refugees who are women is strikingly high, with recent estimates putting the figure potentially as high as 75%, an enormous increase from an estimated 20% only four to five years ago, though the reasons for this trend are unclear. Female refugees throughout the world face specific challenges, and, in China, any children born to North Korean women face an extremely uncertain future.

In 2004, Congress passed the North Korea Human Rights Act with overwhelming bipartisan support, in an effort to refocus U.S. attention on the people of North Korea. This legislation provided humanitarian assistance to the North Korean people, as well as improved access to information through radio broadcasts and other activities and resources to help refugees fleeing the oppressive regime. This legislation also required the President to appoint a special envoy on North Korea.

The legislation that we are considering today reauthorizes this important legislation, extending the North Korean Human Rights Act through fiscal year 2012. This bill doubles the original funding authorization for human rights and democracy programs, and it enhances the role of the special envoy position, making it an ambassa-

dorial rank, full time post. I believe that today's bill makes vital improvements upon the original legislation.

Mr. Chairman, I also believe that today's legislation is an important statement about this Congress's commitment to addressing violations of human rights, wherever they occur. I thank the Chairman for bringing this legislation to the Committee today, and I urge my colleagues to join me in support of the legislation.

Thank you, Mr. Chairman. I yield back the balance of my time.

H.R. 5834, THE NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

Thank you, Mr. Chairman. I ask my colleagues to join me in supporting my amendment to H.R. 5834, the North Korean Human Rights Reauthorization Act of 2008, stating that it is the sense of Congress that the United States should urge the government of China to respect its international obligations with regards to North Korean refugees who flee to China. I would like to thank the Chairman and the Ranking Member of the Committee, as well as both the majority and minority staffs, for working with me to incorporate this important language into this legislation.

My amendment adds an additional sense of Congress, inserting a new paragraph at the end of section 3 of this bill:

(5) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—

(A) immediately halt its forcible repatriation of North Koreans;

(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China; and

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Mr. Chairman, between 1994 and 1998, approximately 2–3 million North Koreans died during a period of famine. During this period, large numbers of North Koreans began to cross the border to China, in search of refuge. At current count, the U.S. State Department estimates some 30,000–50,000 North Korean refugees currently live in China, while some non-governmental organizations put this figure as high as 300,000. North Koreans who return to their nation of origin often face harsh punishments, ranging from forced labor to execution.

Under the Refugee Convention, to which China is party, a refugee is defined as a person fleeing his or her country because of persecution or “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Under the convention, “no contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Despite its obligations under international refugee law, China continues to view North Koreans resident in China as economic migrants rather than political refugees, and, on this basis, refuses to grant UN agencies, including the UN Refugee Agency (UNHCR), access to these populations. Also because of its refusal to recognize North Koreans as refugees, China has argued that, under a bilateral 1986 repatriation agreement with North Korea, it must return all border crossers. While at times this bilateral agreement has, in practice, been ignored, large numbers of North Koreans have, reportedly, been deported back to North Korea.

The practice of returning North Koreans who have fled to China is particularly worrisome, because, under the North Korean judicial system, to leave the country without state permission can be considered as an act of treason. Penalties for such a crime include imprisonment, forced labor, and even death. North Koreans who flee to neighboring nations, including China, face a strong risk of persecution should they ever return. According to Amnesty International, at least 10% of those who annually cross the border back to North Korea are forced to do so.

Mr. Chairman, North Korea is an extremely closed society, and millions of North Koreans live in desperate conditions. The regime is classified by Human Rights

Watch as being “among the world’s most repressive.” The government controls virtually all aspects of life, and political, economic, and religious freedoms are non-existent. Without guarantees of due process and fair trials, citizens live in fear of arbitrary arrest, and of torture and execution by the state. The state controls all access to information, including an iron grip on media, and uses this control to manipulate the population. In addition, particularly following the famine of 1994–1998, food shortages persist, and many residents are starving or undernourished.

Large numbers of North Koreans have fled these conditions, a significant percentage of whom would likely fit the legal definition of refugees. The percentage of these refugees who are women is strikingly high, with recent estimates putting the figure potentially as high as 75%, an enormous increase from an estimated 20% only four to five years ago, though the reasons for this trend are unclear. Female refugees throughout the world face specific challenges, and, in China, North Korean women are vulnerable to prostitution, rape, arranged marriages, and bride trafficking. In addition, any children born to North Korean women face an extremely uncertain future.

Earlier this week, when the Olympic torch made its way through Seoul, South Korea, protesters drew attention to the plight of North Korean refugees, with one North Korean defector dousing himself in gasoline in an attempt to set himself on fire. Those North Koreans that evade deportation and remain in China face constant danger of forcible repatriation, and, according to reports, are often the targets of organized gangs and other forms of exploitation. Human smuggling, trafficking, extortion, and exploitation are thought to be on the rise, with women being particularly vulnerable to rape, prostitution, arranged marriages, and bride traffickers. As many as 80–90% of North Koreans in China may end up as trafficking victims.

Mr. Chairman, my amendment states that it should be U.S. policy to urge China to meet its international obligations. China is party to the Refugee Convention and to the 1967 Protocol, but its actions are not consistent with its commitments. I believe that the United States must take an active role in urging the Chinese government to respect international human rights standards, including the rights of North Korean refugees.

Thank you, Mr. Chairman. I urge my colleagues to join me in supporting this amendment, and I yield back the balance of my time.

PREPARED STATEMENT OF THE HONORABLE DAVID WU, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OREGON

H. RES. 1063

Thank you, Mr. Chairman.

Thomas Jefferson once said that “no two countries upon earth have so many points of common interest and friendship” as the United States and the United Kingdom. Indeed, our two nations share values, traditions, and a commitment to democracy, human rights, and the rule of law.

I have introduced House Resolution 1063 to mark the 225th anniversary of our diplomatic relationship with the United Kingdom, which began with the signing of the Treaty of Paris of 1783. This treaty formalized the peace between the U.S. and Great Britain following the Revolutionary War.

In September 1782, Benjamin Franklin, along with fellow peace commissioners John Adams and John Jay, began formal negotiations for an end to hostilities between Great Britain and the newly independent United States of America. After two months of negotiation, Britain, France, and the United States reached a preliminary peace agreement. The following September, the parties met in Paris, and signed what would become known as the Treaty of Paris of 1783. Since that time, Britain and the United States have come to be friends, allies, and economic partners, a relationship that continuously advances and enriches both sides of the Atlantic.

As with all old sayings, it is the exception which proves the rule. For the old saying that great powers have only interests, not friends, the relationship between the United States of America and the United Kingdom is the exception which proves the rule.

Recently, I joined several of my colleagues on a CODEL with members of the British Parliament. It was a productive and thought-provoking visit. I believe we can continue to learn much from the experience of our British counterparts. And I also believe our knowledge and expertise can be of continued value to our friends in the United Kingdom.

So, it is fitting that we should mark with special approbation the 225th anniversary of the treaty that began our diplomatic relations with the United Kingdom. For

over two centuries, our two nations have stood together in peace and war—in prosperity and hardship.

Together, we have faced two world wars, the Great Depression, the Cold War, terrorism, and scores of triumphs and tragedies too numerous to recount.

Join me in marking the genesis of our diplomatic relationship with the United Kingdom by supporting House Resolution 1063. I thank the chairman for the Committee's consideration of this resolution today, and I urge swift passage of House Resolution 1063.

I yield back the balance of my time.

